

Student Handbook (Undergraduate Students) 2012-13

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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 Handbook 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* and updated in the online version of the Examination Regulations, so the online version is therefore the most up to date.

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.

Mr Jonathan Herring
Director of Undergraduate Studies
August 2012

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:

- It is a means of giving you an essential grounding in two subjects (Criminal Law and Constitutional Law), which you must study if you are to gain exemption from the first stage of professional training to be a solicitor or barrister in England and Wales.
- More broadly, however, 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.
- 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:

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.**

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.

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

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

Undergraduate study at Oxford should not, however, be solitary work. It is the privilege of Oxford students to be able to use law libraries within college, alongside the Bodleian Law Library, where the week’s work can often be discussed and argued over with other law students. **Without always realising it, living and working alongside other law students during your years at Oxford will develop in you the kind of “teamwork” skills now so highly prized by the main employers of law graduates.**

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

2 The Faculty's Undergraduate Programmes

The Oxford Faculty of Law 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 Faculty of Law. 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 EU 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 in 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 Law Research and Mooting Skills Programme (LRMSP). There is more information about the LRMSP in Section 18.

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 Educational Aims and Programme Outcomes, 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 to 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 computer applications ranging from basic word-processing to 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 three subject papers in the Law Moderations examination at the first attempt.

The second part consists of the **Final Honour School** course, which is very similar to the equivalent part of Course 1. In the four terms after Law Moderations you will be required to study the following six subjects: Administrative Law, Contract Law, Jurisprudence, Land Law, Tort and Trusts. In your final year (after your year abroad) you will be required to take EU Law and two optional 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 **Law Research Skills and Mooting 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 Faculty of Law 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 Educational Aims and Programme Outcomes, 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.
- 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, EU Law, Jurisprudence, Land Law, Tort and Trusts). Alongside this, you will take the Research Skills Programme during 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 standard subjects in the Final Honour School part of the BA programme listed in 7. below, and you sit an examination in each of them (the same examinations as the BA students) at the end of your third term. You also complete Units 1 and 2 of the Law Research Skills and Mooting Programme (see Section 18 for further details).

6.2 Educational Aims and Programme Outcomes, 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 to independently 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 to plan and organise the use of one's time effectively,
- 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 subjects: Administrative Law; Contract; European Union Law; Jurisprudence; Land Law; Tort; Trusts.

Final Honour School optional subjects: Commercial Law; Commercial Leases; Comparative Law of Contract; Competition Law and Policy; Company law; Constitutional Law (Senior Status only); Copyright, Patents, and Allied Rights; Copyright, Trademarks, and Allied Rights; Criminology and Criminal Justice, Criminal Law (Senior Status only); Environmental Law; European Human Rights Law; Family Law; History of English Law; International Trade; Labour Law; Medical Law and Ethics; Moral and Political Philosophy; Personal Property; Public International Law; Roman Law (Delict); Taxation Law (N.B. not all optional subjects are available in any given year).

Diploma in Legal Studies: the following Final Honour School compulsory and optional subjects: Jurisprudence; Contract; Tort; Land Law; European Union Law; Trusts; Administrative Law; Commercial Law, Comparative Law of Contract; Competition Law and Policy; Constitutional Law; Copyright, Patents, and Allied Rights; Copyright, Trademarks, and Allied Rights; Criminology and Criminal Justice ; Criminal Law; Family Law; History of English Law; Labour Law; Medical Law and Ethics; Public International Law; Roman Law (Delict); European Human Rights Law (N.B. not all optional subjects are available in any given year).

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 (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 subjects are taught in much the same way. There are some variations, particularly in the optional subjects and 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 factual 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, although 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 Legal Research and Mooting Skills Programme (LRMSP) is organised differently. The content of and arrangements for the LRMSP are described in Section 18, but briefly, it is for the most part taught in classes of about 20-25 students using the Bodleian Law Library’s IT services 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 weblearn-pages. The purpose of these lists is:

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

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

Reading lists are updated at the start of the academic year, and there is a cut off date of Friday of Week 8 Hilary Term after which reading lists on the Faculty weblearn pages 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. Any changes made between the start of the academic year and Friday of Week 8 of Hilary Term will be appropriately highlighted.

9 The Assessment System

9.1 Methods of assessment

Several modes of assessment are used to test your achievement in respect of the outcomes referred to above, some of which count towards the degree and some of which do not. Details of how these outcomes are secured and assessed are given in the programme specification available at <http://www.law.ox.ac.uk/publications/handbooks.php>. For new starters from 2012-13, Jurisprudence will be assessed by a long essay and a written examination (see section on Jurisprudence in this handbook for details).

Your tutors will take care to let you know 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. 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. Although the standard of your work is 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. During Final Honours School, for Jurisprudence you will submit a long essay by

the end of the summer vacation of your second year, which will form part of the examination for that subject. The remaining part of the Jurisprudence examination will consist of an unseen written examination alongside your other final public examinations. You will also be tested in respect of each of the units of the Law Research Skills and Mooting Programme: 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. Assessment arrangements for Jurisprudence also apply, as above. And you will likewise be tested in respect of each of the units of the Research and Mooting Skills Programme: 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 (e.g. bereavement, disabilities). 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 release 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 released 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 as the regulations stand, you are not allowed to take books or notes into the examination room, though this situation is under review and may have changed by the time you come to take the Final Honour School examinations (you will of course be notified of any changes). However, in many examinations you will be provided with copies of statutory and other official material relevant to the subject: details of this are notified to you in advance. The examination in each subject offers a choice of questions, though in some cases there are rules as to permissible combinations of questions, which are strictly enforced. You are normally required to answer four questions in three hours (two out of ten questions in two hours in the case of Jurisprudence (in addition to the long essay submitted at the end of the Year 2 long vacation) for new starters from 2012-13, and three questions in three hours, in the case of Moral and Political Philosophy); this rule 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 aware that English is not your native language.) 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 (“iii”), 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 and Mooting 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% at the first attempt.

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.

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 (and all papers in the various assessments carry the same weighting as one another),

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 and Mooting 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 and Mooting 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.

The University’s Education Committee has developed a website

<http://www.admin.ox.ac.uk/epsc/plagiarism>

that defines plagiarism, give examples of its various forms, states the University’s policy on plagiarism and offers a guide to good practice. For law students, there are particular things to watch for:

Getting ideas from other students work

Law students often "borrow" work from other students in their own year or from students in the year above. If the work is directly copied then this will clearly be an obvious form of plagiarism but you also need to be aware that taking the structure and ideas from this work can also be plagiarism unless the source is acknowledged. Although it may sometimes be helpful to see how others have tackled issues, an important part of the learning exercise in Oxford is to work out how to present an answer yourself. This is often an intellectual struggle but it is an important part of the educational process. By borrowing the work of others you therefore not only risk plagiarism but you are also less likely to develop your own intellectual abilities fully.

Articles etc.

You will be expected to read many articles as part of your tutorial preparation. Students often find it difficult to know how to incorporate these into their own written work. The temptation is there to "lift" bits from the introduction and conclusion of the article, or odd sentences from it. Usually, an

article will be presenting an argument which is, to some extent, original, and the author makes the case for this argument in the detailed text. You may wish to use this article in a variety of different ways but it is important to bear in mind that it is not only verbatim quotations and paraphrases that need to be properly referenced but also the overarching argument that the author makes. Therefore, even if you are not using any of the detailed wording of the article, you must still acknowledge the author's intellectual input if you are drawing on the argument that (s)he makes.

A brief example:

Source text, from S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455.

It can therefore be argued that proprietary estoppel, like wrongs, unjust enrichment and other non-consensual sources of rights, always gives rise to an underlying personal liability which may, in some circumstances, be coupled with a property right. As A's personal liability will persist after a transfer of the land in respect of which the proprietary estoppel claim arose, it may well be that B has no need of a property right to protect his reliance: instead B is adequately protected through his personal right against A.

Plagiarised

Proprietary estoppel always gives rise to personal liability and may also generate a property right, but a person to whom a representation is made will not always need a property right to adequately protect his reliance.

(This is plagiarism. Even though there is little verbatim copying it paraphrases the argument of Bright and McFarlane without acknowledging the source of this argument.)

“Proprietary estoppel, like wrongs, unjust enrichment and other non-consensual sources of rights, always gives rise to an underlying personal liability”¹ and sometimes the courts will give a property right if necessary to protect reliance.

(This is also plagiarism. Although the first part of the sentence is correctly attributed, the implication is that the second part is the original idea of the writer.)

Non-Plagiarised

Bright and McFarlane argue both that proprietary estoppel gives rise to personal liability and, further, that this will sometimes be coupled with a property right, but only if it is necessary to protect the reliance of the person to whom the representation was made.²

¹ S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455

² S Bright and B McFarlane, *Proprietary Estoppel and Property Rights* (2005) 64 Cambridge Law Journal, 449, 455

(This is not plagiarism as it clearly attributes the whole of the argument to Bright and McFarlane, and cites the source).

Textbooks and Cases

A particular challenge for law students is how to use text books correctly. The most obvious form of plagiarism is where students closely follow the wording of textbook writers. This often occurs (unintentionally) where students have taken notes from a textbook and then use these notes to form the basis of their essay.

It also occurs where students use the structure adopted by a text book writer in order to organise the essay. By way of illustration, the author of a text book may set out that a general principle can be manifested in one of 3 ways, and then set out those 3 ways. To the student, this may appear uncontroversial and as ‘the only’ way that the topic can be understood. It is likely, however, that other writers will present the material differently. The breakdown of the principle into those 3 ways is the author’s work, and if this structure is adopted, the author must be acknowledged.

Students often use text-books too closely without being aware that this constitutes plagiarism and will say to tutors: “...but X put it so clearly and I could not put it better”, or “...lots of writers break down this principle into those 3 ways”. This does not justify plagiarism. If a text book writer is being relied on, the writer must be acknowledged.

The same applies with respect to cases. The reasons for citing a case are therefore two-fold: first, as an *authority* for a proposition of law, in which case you will generally be citing the case itself; and second, as the *source* of a statement about the law, in which case you will generally be citing the court or a judge.

If, having referred to the above and to the University website, you are still unsure how to reference your work properly, and would like further advice, you should contact your Tutor or Director of Studies for guidance.

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 Moderations, and 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.

Moderations

Distinction (70% and above):

Distinction answers represent a level of attainment which, for a first year undergraduate, can be regarded as unusually good. They show several of the following qualities:

- close attention to the question asked;
- extensive knowledge and understanding of the topic addressed;
- impressive comprehensiveness and accuracy, with few substantial errors or omissions;
- notable 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 and substantial critical analysis.

Pass (40-69%):

Pass answers represent a level of attainment which, for an undergraduate, can be regarded as in the range between good and only just acceptable. To an extent varying with their place within this range, they show the following qualities:

(60-69%)

- attention to the question asked;
- clear and detailed knowledge and understanding of the topic addressed;
- good comprehensiveness and accuracy, with few substantial errors or omissions;
- a clear and appropriate structure, argument, integration of information and ideas, and expression, with theoretical or critical treatment of the topic.

(50-59%)

- normally, attention to the question asked;
- a fair knowledge and understanding of the topic addressed;
- reasonable comprehensiveness and accuracy, but marked by some substantial errors and omissions;
- a reasonably clear and appropriate structure, though theoretical or critical treatment is scanty or weak.

(40-49%)

- ability to identify the relevant subject area of question, if not necessarily close attention to the question asked;
- some knowledge and understanding of topic addressed, but with weakness in comprehensiveness and accuracy, and commonly including substantial errors and omissions;
- some structure though often unclear or inappropriate and marked by negligible theoretical or critical treatment.

Fail (less than 40%):

- Some or all of the qualities required for a pass answer are absent.

Final Honour School and Diploma in Legal Studies

First class (70% and above)

70-75% An answer that is exceptionally good and shows 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.

75-80% An answer that is exceptionally good and shows all of the qualities listed above. Will include a strong personal contribution to debate on the topic.

80%+ A truly exceptional answer. One of the best examination answers seen for a number of years.

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.

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.

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, either four marks of 70% or above are needed, and no marks below 60%, or alternatively, five marks of 70% or above are needed with no more than one mark below 60% and no mark below 50%.

For the award of Second Class Honours, Division I, 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%.

Diploma in Legal Studies

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

For a Distinction, one mark of 70% or above, no mark below 50%, and an overall average mark of 65% 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.

Incomplete scripts: it is essential that candidates follow the instructions on the paper: failure to do so may 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 mark for a completely absent answer in any script will be zero, and the mark for a part answer, or a “skimped”, “rushed final”, “short” or “weak” answer, will be such a mark above zero as is appropriate, relative to more successful answers, in terms of the quality of what has been written, and the extent to which it covers the question. The overall mark for a script will be arrived at by averaging the number of marks, including zeros, over the number of questions that should have been answered on the 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), marks will be deducted and this will result in the candidate’s overall result

in the paper being affected. Candidates who write answers in note form may also expect their overall mark for the paper to be lower than if they had written them out in full.

9.9 Examination Procedures

For all its undergraduate examinations – Mods, FHS, and the Diploma in Legal Studies, the Faculty of Law doesn't use independent double marking of scripts, as most subjects do, but instead operates a rigorous process which begins with the team of markers for each paper meeting to discuss how to treat individual questions and then, as the marking progresses, liaising to exchange information about how candidates are handling questions. Once first marking has been carried out, marks profiles for each marker are compiled and compared with one another. If any profile looks to be out of line with that of other markers, then second marking of the scripts in question takes place, following which the two markers meet to compare the marks and agree a single final mark for the script in question. All scripts that on their first reading have been awarded failing marks (in FHS this includes scripts falling below the mark of 40% required for the paper to be counted towards the professional qualification) are second marked as are potential prize-winning scripts and any scripts identified by the first marker as unusual.

After this first stage, the Board of Examiners meet and compare the profiles for each paper, which may then lead to re-readings to address any anomalies. Second marking will also be applied for candidates whose overall marks profiles place them in the following categories: in Mods and the Diploma, those on the distinction and fail borderlines, and Course 2 candidates in Mods whose average is below the 60% needed to continue on the course; in FHS, those on the borderline of any classification (e.g. 1st, 2:1 etc) and those for whom any script has a first mark four marks or more below the candidates overall average. Second marking may also be required to determine the winners of prizes. In exceptional circumstances (e.g. medical) third readings may take place.

After this second stage, the Board of Examiners meet again and agree a final classification/result for each candidate, having taken account of medical and other special case evidence and having made appropriate adjustments for such matters as breach of rubric. The examiners also agree on the award of prizes at this stage. The decisions of the examiners are then passed to Examination Schools. Candidates will be able to view their results (both overall classification and individual paper marks) within the Student Self Service webpage in OSS (<http://www.studentsystem.ox.ac.uk>).

10 The Role of the Faculty of Law and Its Facilities

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

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 (for example, it is responsible for defining syllabuses, 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 Faculty of Law 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 is led by the Dean, who also serves as the Chair of the Faculty Board. 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 Faculty of Law's Administration Office. The team is led by the Head of Administration and Finance. Ms Morag McCormick-Power is covering the post as Academic Administrator. Miss Marianne Biese and Mrs Caroline Norris are the Student Administration Officers. 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 Faculty of Law 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 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 word processing and other computing applications. 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.bodleian.ox.ac.uk/law/>.

11 Computing Services

11.1 Your Oxford single-sign on account and access to networked services

Your Oxford single-sign on account is your main access to university online services. It is essential that you activate your account. It gives you access to all the main Oxford University services, including Student Serf Service, electronic library services, such as Lexis, Westlaw and online journals; Oxford email (<https://nexus.ox.ac.uk/>), to which all crucial university information will be sent; and Weblearn (<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law>), where reading lists and handouts from lectures are available. For more information about IT Services see <http://welcometoit.ox.ac.uk>. IT Services is at 13 Banbury Road, phone 273200, fax 273275 or e-mail help@oucs.ox.ac.uk.

Please use your Oxford email account for all email communication with the university.

11.2 Law-Mods and Law-FHS E-mail Lists

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 lectures and seminars, examinations, IT and library training,

library hours etc. 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 [Law-Mods] or [Law-FHS] Maillist, contact the Faculty Office by emailing lawfac@law.ox.ac.uk.

11.3 The Faculty website and Weblearn

The public Faculty website (www.law.ox.ac.uk) provides information about courses, news and events, graduate discussion groups, how the faculty works, faculty members, much detail relevant to undergraduate and postgraduate study, links to faculty centres, specialisations, publications, library and computing facilities and more.

The Faculty website has two sections, the public site, and the intranet site. Reading lists and lecture handouts are held on Weblearn (<https://weblearn.ox.ac.uk/portal/hierarchy/socsci/law>). All students have their own password-protected 'My Weblearn' site on Weblearn which provides calendars and some file storage. For help with Weblearn, contact Marianne Biese (Marianne Biese (marianne.biese@law.ox.ac.uk), phone 281 051 or Sandra Meredith (sandra.meredith@law.ox.ac.uk), phone 271 499).

11.4 Student self-service

Student self-service provides web access to important information that you will need throughout your academic career. You are able to register, view and update your personal and academic information throughout your studies at Oxford. For further information, see <http://www.ox.ac.uk/students/studentselfservice/>

11.5 IT facilities 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, which is used for the Legal Research and Mooting Skills Programme, 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. It is necessary to use a USB key to save documents on these computers.

The Freshfields 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. Kurzweil software, which allows blind readers to listen to pages of a book being read aloud, is also available in the BLL, but it must be booked in advance.

The main reading room has wireless access and there are power points at the ends of several desks. For more information ask at the library. There is no network access in the lecture theatres,

and extremely limited access to power points. If you wish to bring a laptop to lectures, charge it before you come.

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.

11.6 IT/electronic research resources training

The library's electronic holdings are accessible via SOLO: <http://solo.bodleian.ox.ac.uk> and OxLIP+: <http://oxlip-plus.bodleian.ox.ac.uk>. When off-campus, your Oxford Account log in is required to access electronic holdings. With the exception of Lexis Library and Westlaw, most databases don't require passwords when on campus. Detailed information about legal databases and passwords is available at www.bodleian.ox.ac.uk/law/e-resources/databases.

Online tutorials for key legal and journal databases are available at <http://ox.libguides.com/law-uklaw>. The BLL also gives classes on using databases, finding online journals and researching particular areas of law. The Library distributes a Newsletter via the faculty's email lists, and the Law Bod Blog (<http://lawbod.wordpress.com>) also provides current information.

11.7 University Rules for Computer Use

The University's Regulations Relating to the Use of Information Technology Facilities are available at www.admin.ox.ac.uk/statutes/regulations/196-052.shtml.

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 webpages will not be updated, and FHS and DLS candidates taking the examination in Trinity Term that year will not be criticized or 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. There is also a questionnaire specific to each year of the undergraduate course. 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. You can also contact the Director of Undergraduate Studies directly by means of the link entitled 'Contacting the Faculty about course issues on the intranet webpage at <http://denning.law.ox.ac.uk/oxfordonly/students/undergrad.php>

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

Juliet Bury
 Personnel Officer
 St. Cross Building
 St. Cross Road
 Oxford OX1 3UL
 Tel No: 01865 281622
 Fax No: 01865 274193
 e-mail: juliet.bury@law.ox.ac.uk

Morag McCormick-Power
 Academic Administrator
 St. Cross Building
 St. Cross Road

Oxford OX1 3UL
Tel No: 01865 271495
Fax No: 01865 274193
e-mail: morag.mccormick-power@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 the Equality Act 2010.

14 Careers and Alumni

The faculty's BA programmes give you some highly desirable skills: not only the obvious legal ones, but also others of more general application, which 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>). 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 15 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 Professional Training 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.

Contact with Alumni

The Faculty of Law is eager to maintain contact with all law alumni, including those who go on to practice law from other Oxford faculties. To encourage this, the Faculty will continue to offer a selection of alumni events, both social and professional, which historically have taken place in the UK, America, Canada, India, Singapore, Hong Kong, China, and Australia with plans of increasing

these events in the years ahead. Annually the Faculty sends out Oxford Law News to those Oxford alumni practicing or teaching law. To ensure that you are on our mailing list or to enquire how you might help organise some of these alumni events, please contact: Maureen O'Neill, Director of Development, Faculty of Law, St. Cross Building, St Cross Road, Oxford or by e-mail at maureen.oneill@law.ox.ac.uk. Finally, should you know of any Oxford Alumni who are not in contact with us but would like to be, please forward their contact details to Maureen O'Neill.

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 Society's Junior Lawyers' Division	www.lawsociety.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* 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 Union Law
- Trusts

- Administrative Law

You must receive a mark 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 15.2 below.

In addition, you must successfully complete the Faculty's Legal Research and Mooting 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 (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 if such an application 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 15.3 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.

Your college may need to include in any case made to the Solicitors Regulation Authority/Bar Standards Board a statement by the Chair of Examiners as to the view taken by the Examiners as to your likely mark in a QLD subject paper if you had not been seriously affected by illness etc. during the examination. Even if you are not intending to proceed immediately to professional training, **you should ask your college to contact the Chair of Examiners at once** as information relating to the individual performance of candidates may only be retained for a limited period.

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
Berrington Close
Redditch
Worcestershire B98 0TD.

Training Regulations Officer (Academic Stage)
Qualification Regulations Section
The Bar Standards Board
The General Council of the Bar
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 an English translation, based on that by T.L. Mears.

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 supremacy of European Community Law as it relates to national law, and the European principle of state liability. Questions will not be set on the detail of the legal effect of directives or on the detail of European Institutions. 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 incitement to religious hatred).

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 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 statutory conspiracy, attempt and the offences created by sections 44, 45 and 46 of the Serious Crime Act 2007.
5. Liability for the following kinds of homicide: murder; manslaughter (excluding corporate manslaughter). No question will be set requiring knowledge of infanticide or of encouraging or assisting suicide.
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.
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: The Faculty's Statutes in Criminal Law The Faculty's Cases in Criminal Law

17 Final Honour School of Jurisprudence Subjects

NOTES: Teaching in some subjects may not be available every year.

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 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, together with contractual issues of central importance to commercial transactions. The first part of the course looks at issues related to the sale of goods, such as implied terms, transfer of property and title disputes with third parties. Basic principles of commercial transactions, such as assignment, agency and possession

are then examined. The last 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. There are also lectures covering negotiable instruments and documents of title to goods.

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.

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 Dr. Thomas Krebs, Professor Louise Gullifer and Professor Hugh Beale. Teaching is by a combination of tutorials (arranged by your college tutor), and seminars given in Michaelmas and Hilary Terms. Lectures are also given in Michaelmas and Hilary Terms.

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; dealings in pure and documentary intangibles; agency; commercial credit and security, with particular reference to real security; the resolution of priority conflicts arising from commercial dealings in personal property. 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)

Commercial Leases [not running in 2012-13]

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 confirmed.

Company Law

The company is one of the most important institutions in our society. There are over two 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 the study of statutory materials.

The teaching group comprises Professor John Armour, Professor Paul Davies, Ms J Payne, Dr Wolf-Georg Ringe, Mr Roger Smith, and Dr John Vella . The teaching consists of lectures and seven tutorials in Michaelmas and Hilary terms. The tutorials will be arranged by the teaching group.

Syllabus: Company law comprises (a) incorporation and its consequences; (b) the company's constitution and its alteration; (c) corporate management; (d) director's duties; (e) shares and shareholders, including shareholders' rights and remedies; and (f) corporate financial structure, including the raising and maintenance of capital. For full details of the course content see the current company law reading list.

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 in English comparing aspects of French and English contract law. Overall, however, the course requires a good reading knowledge of French.

The pattern of teaching will be as follows. Lectures on French contract law will be given in Michaelmas and Hilary Terms by Professor John Cartwright and Dr Solène Rowan respectively. There are seven tutorials, which will be given by Professor John Cartwright and Professor Simon Whittaker, and will normally be spread across Michaelmas and Hilary Terms. However, students taking this paper within the Diploma in Legal Studies will normally take all the tutorials in Hilary Term, since they must first take tutorials in English Contract Law in Michaelmas Term.

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

The aim of the course is to enable students to critically reflect upon the basic principles and policies at the heart of competition law. In particular, to understand how the law governs business practices that may restrict competition in economic markets through private and public enforcement and to analyse how competition law can curb anticompetitive activities and facilitate free competition.

At the end of the course, students should be able to: (i) understand how the law controls: a. cartel agreements and concerted practices b. the abuse of monopoly power c. mergers and acquisitions d. enforcement of competition law through private enforcement and via the investigations of the Commission (ii) critically reflect upon the economic principles underpinning the definition and control of anti-competitive practices (iii) apply the law to solve practical problems concerning the control of anti-competitive practices (iv) critically analyse how far the law facilitates the promotion of free competition. (v) develop their own critical perspective concerning how law should and could control anti-competitive practices and the role of the European Community in developing this law.

The teaching in this course is done by way of lectures, seminars and tutorial sessions. The lecture series is devoted to examination of the relevant statutory and case law framework and to the discussion of basic economic concepts (no prior knowledge of economics is required). Lectures are held on weeks 1-7 in MT. Each lecture lasts two hours. Two seminar sessions, each lasting two hours, will also be held in MT.

The tutorial series provides practical experience in the application of competition law through problem solving. Tutorials will be arranged centrally by the competition law group. There will be two tutorials in MT and two in HT.

For more information on the course see the Centre for Competition Law and Policy website at: www.competition-law.ox.ac.uk

Syllabus: The course comprises the following units which are covered in lectures, seminars and tutorials: [1] introduction to competition law and policy; [2] antitrust economics; [3] Article 102 TFEU - abuse of dominant position; [4] Article 101 TFEU - horizontal & vertical agreements; [5] oligopolies, tacit collusion and unilateral action; [6] enforcement; [7] the European Merger Regulation; [8] the international dimension.

Materials available in exam: Details to be advised.

Constitutional Law (Senior Status only)

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 supremacy of European Community Law as it relates to national law, and the European principle of state liability. Questions will not be set on the detail of the legal effect of directives or on the detail of European Institutions. 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 incitement to religious hatred).

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 and technological age, and that rights in creative and informational works, and in technology, are becoming increasingly important. In this course we introduce two of the central regimes for the protection of those rights – copyright and patent law – and certain of their allied regimes. Copyright protects literary, musical, dramatic and artistic works, sound recordings, broadcasts, films and published editions, and is supported by the moral rights regime, which protects authors and others against certain wrongs involving the use of copyright-protected works. Patent law protects inventions, and is supported by the breach of confidence action, which protects persons against the unauthorized disclosure of their trade and other secrets. We ask why we have these regimes and how they operate at a national and European level. The course should appeal to those interested in the arts and entertainment industries, publishing, literary theory, information technology, research and development, trade, privacy, medical law and ethics, and intellectual property practice. It will be taught in eight two-hour seminars and six one-hour tutorials spread over Michaelmas and Hilary Terms by Lord L Hoffmann (patents seminars), Dr J Pila (copyright seminars and tutorials) and Ms A Slade (patent tutorials). 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 breach of confidence. The subject will be examined by means of a three-hour written examination in which FHS and MJur candidates will be required to answer four questions and DLS candidates will be required to answer three questions.

Materials available in exam: Blackstone's Statutes on Intellectual Property, latest edition; Declaration on the TRIPS Agreement and Public Health, WTO Doc WT/MIN(01)/DEC/2 (20 November 2001); General Council Amendment of the TRIPS Agreement, WTO DOC WT/L/641 (8 December 2005).

Copyright, Trade Marks and Allied Rights

It is commonplace to claim that we live in an information and consumer age, and that rights in creative and informational works, and in words, logos and other signs used in trade, are becoming increasingly important. In this course we introduce two of the central regimes for the protection of those rights – copyright and trade mark law – and certain of their allied regimes. Copyright confers rights in respect of literary, musical, dramatic and artistic works, sound recordings, films, broadcasts and published editions, and is supported by the moral rights regime, which protects authors and others against certain wrongs involving the use of copyright-protected works. Trade mark law protects signs that indicate the commercial origin of goods and services, and is supported by the passing off action, which protects against certain unauthorized uses 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 should appeal to those interested in the arts and entertainment industries, publishing, literary theory, information technology, marketing, brand management, trade, unfair competition, and intellectual property practice. It will be taught in eight two-hour seminars and six one-hour tutorials spread over Michaelmas and Hilary Terms by Dr J Pila (copyright seminars and tutorials) and Dr E Hudson (trade mark seminars and tutorials). NOTE: Students may not choose both Copyright, Patents and Allied Rights and Copyright, Trade Marks 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 and MJur candidates will be required to answer four questions and DLS candidates will be required to answer three questions.

Materials available in exam: Blackstone's Statutes on Intellectual Property, latest edition.

Criminal Law (Senior Status only)

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 for the [Law Moderations course](#), but only covers topics 1 - 7 (it does not include topic 8). 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.

Teaching Conventions: The following matters are examinable. In every case, candidates are expected to have 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 statutory conspiracy, attempt and the offences created by sections 44, 45 and 46 of the Serious Crime Act 2007.
5. Liability for the following kinds of homicide: murder; manslaughter (excluding corporate manslaughter); 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.
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: The Faculty's Materials in Criminal Law

Criminology and Criminal Justice

Why are criminal laws made? Why are they broken? How do we, and how should we, react to the breaking of criminal laws? These three questions are the stuff of criminology. They also occupy a central and controversial place in public and political debates about the condition and future of contemporary liberal democratic societies. This course provides students with the chance to study them in depth.

Criminology and Criminal Justice offers students an opportunity to study crime and the ways in which it is dealt with by the criminal justice and penal systems. It enables students to explore the nature of crime and its control by examining the issues at stake using the

resources of legal, penal and social theory. It also offers students the chance to think about crime as a social phenomenon and to explore using criminological research and analysis how criminal justice and penal systems operate in practice.

The course is structured as follows: 22 lectures – 10 each in Michaelmas and Hilary terms, and two revision lectures on current controversies in criminal justice in Trinity Term; four classes and four tutorials (two of each in Michaelmas and Hilary Term).

Lectures, classes and tutorials are provided by several academics from the Faculty of Law who are also [members of the Centre for Criminology](#).

More information about the Centre for Criminology, including the All Souls Criminology Seminar Series, can be found on the [Centre's website](#).

Syllabus:

The first part of the course examines the range and complexity of the theoretical issues involved in the study and control of crime. What is crime? How and why does some behaviour become criminalized in some times and places but not others? What legal, social and political processes are involved in creating crimes? We begin the course by addressing these questions. We then examine the competing values that are at stake in the criminal justice process and think about the place and importance of the criminal trial. We then introduce the key dichotomies and debates in modern criminological theory – is crime carried out by most of us, or by a small anti-social minority? Should our attempts to explain crime focus on individuals or the social and economic contexts in which they act? Can we control crime by changing the physical environment in which it takes place, or can crime only be reduced if more fundamental changes take place? Our attention turns next to theories of punishment. We ask if and how state punishment – the infliction of pain by the state on wrongdoers – can be justified. Should punishment look backwards in order to seek or retribution for the harm done? Or should it look forward with a view to deterring or preventing future offending? We conclude the first part the course by addressing the politics of criminal justice. We ask why crime and punishment has become such a prominent issue in electoral politics in recent decades, and examine the effects of this politicization. We then consider the relationship that exists between criminal justice and wider patterns of economic and social inequality. How is criminal justice shaped by such inequalities? How – if at all – might it aim to take account of them?

The second half of the course focuses on the institutions of the criminal justice and penal system. Our concern here is to guide students through the criminal justice process with a view to examining both empirical research on how the criminal justice system works and the normative and policy dilemmas involved in criminal justice and punishment. We begin by introducing students to sources of knowledge about crime and justice. How do we know how much crime there is, or whether it is going up or down? How can we judge the effectiveness of the police or prisons, or determine how fairly they treat victims, suspects or offenders? We then examine the role and powers of the police, and their relationship to

the prosecution service. What are the police for – to control crime, maintain order, offer reassurance to citizens? What powers do they need and how is their use best regulated? We then consider the law, policy and practice surrounding sentencing, and ask about the purposes of sentencing and how or whether the discretion of sentencers can be structured. We then explore, in turn, issues and debates in relation to community sentences, prisons and parole. What do we know about the effectiveness of different punishments? Who goes to prison and why? What are prisons for? Why has the Parole Board become so much more risk averse over recent years? We conclude by exploring the role of the victim in the criminal justice process – should the victim have any role? if so, what should it be?, before examining the particular difficulties that arise in responding to crimes committed by young people.

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: McGillivray, Blackstone's Statutes on Environmental Law (6th ed, OUP, 2006) Council Directive 85/337/EEC of 27 June 1985 on the Assessment of the Effects of certain Public and Private Projects on the Environment, OJ 1985 L175/40. Amended by Directive 97/11 EC, OJ 1997 L73/5 and by Directive 2003/35/EC Waste Directive 75/442, as amended, codified in Directive 2006/12, OJ [2006] L114/9 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

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. Teaching will take place over Michaelmas and Hilary Terms, and will consist of a combination of lectures, seminars, classes and tutorials.

European Union Law

The law of the European Union is based largely on the Treaty on European Union and the Treaty on the functioning of the European Union, and legislation made under the Treaties 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 EU law. EU law takes immediate effect in English Law, and is enforceable by English courts.

EU law raises issues of intrinsic theoretical interest, and considerable practical importance. No linguistic expertise is necessary, since EU legislation and case law are published in all official EU languages, including English.

The Oxford course deals with

- (i) the institutions of the EU, including the jurisdiction of the Court of Justice and General Court;
- (ii) the essential features of the EU law, and its incorporation into national law;
- (iii) the principle of free movement of persons and services within the EU; and
- (iv) the rules governing the free movement of goods within the EU. Study of the institutions entails consideration of the majority voting rules used by the Council in making EU 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 European Union, the sources and supremacy of EU 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 EU Law. The court of final recourse in matters of Community law is the Court of Justice of the European Union. 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 EU 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 EU employed and self-employed persons to free movement and non-discrimination graphically illustrates the significance of the EU 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 EU 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 Union Law comprises

(A) The basic structure and functions of the EU; the aims of EU; law-making; the composition and jurisdiction of the Court of Justice; directly effective EU norms.

(B) Free movement of persons and services.

(C) Free movement of goods. Questions will not be asked specifically on the substantive law of the EU other than (B) and (C) above;

Teaching Conventions: A. The General Part

1. The basic structure and functions of the EU.
2. The aims of the EU: free trade, customs union, common market/internal market, economic community.
3. Law-making within the EU: (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 114 TFEU, and the application of the principle of subsidiarity.
4. The Court of Justice (and General Court): (a) composition, powers and style; (b) suits against Member States; procedure and effect; (c) suits against EU organs; (i) review of legality: grounds (including general principles of EU Law); locus standi; (ii) suit for inaction; (iii) plea of illegality; (iv) non-contractual liability; (d) Preliminary rulings.
5. The general principles of EU Law, including the fundamental rights; the Charter of Fundamental Rights
6. Direct effect of EU 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)

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 tort, contract, land law, and trusts. 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 covered is roughly between the fifteenth and the nineteenth 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), which reflects this flexibility. The treatment of the subject is primarily legal, though the political, social and economic constituents in the story are referred to whenever this assists

our perception of specifically legal ideas.

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

The course delivery will be on a 'long thin' model, entailing five two-hour seminars in each of Michaelmas and Hilary terms, generally co-taught by Dr Macnair and Dr Getzler, which will be focussed on primary texts. Each term will also contain three sets of tutorials, interspersed between the seminars and enabling students to research and write about controversies in connection with the main seminar topics. By close of Hilary students will have received ten seminars and six tutorials; in Trinity term there may be further revision seminars and classes in Weeks 1-3.

Syllabus: An indicative list of topics is: Legal system and sources – 4 hours of introductory lectures in weeks 1 and 2 of Michaelmas Term.

1. Torts I – trespass and negligence.
2. Torts II – nuisance.
3. Contracts I – formal contracts (made by deed) and liability to account at law and in equity.
4. Contracts II – the rise of assumpsit to enforce informal contracts and the doctrine of consideration.
5. Contracts III – the equitable jurisdiction over agreements; the rise of 'classical contract law'.
6. Land Law I: Tenures to title (old tenures, abolition of many of them, and early land registration schemes and controversies).
7. Land Law II - 'Family' interests in land (inheritance, future interests, strict settlements, conveyancing problems and reforms)
8. Land Law III - 'Commercial' interests in land (leases and easements).
9. Trusts I - the origin of uses and the development of trusts to the later 17th century.
10. Trusts II - the rise of modern trusts law. The reading list also provides, for those who are interested, vacation readings on the history of the law of personal property (acquisition and transfer rules and remedies for the recovery of personal property).

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 and on letters of credit. There are handouts for each set of lectures. In the Hilary Term (second of the year) there is a

weekly class where the three contracts are treated together and their interaction studied. For this there are separate lists of cases and questions. Tutorials (which include practice in analysing problems) are also available in that term, 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 Rotterdam Rules.

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. It is, however, taught and examined in a distinctive way (see below).

Jurisprudence, in the sense relevant to this subject, is the philosophy of law. In studying it you will learn to reflect in a disciplined and critical way on the nature, role, and importance, of legal systems, legal reasoning, and legal institutions, often using examples from other parts of your law studies. By choosing a suitable 'mini-option' (see below) you could also examine the philosophy of a particular area of law such as criminal law or tort law.

Teaching: . In the second year of the Final Honour School your Jurisprudence teaching will be as follows:

- (i) Core topics: . You will have six tutorials covering some *core topics* in philosophy of law, in the traditional way.
- (ii) Mini option: You will then choose a *mini-option* from a list that the teaching group will provide. The mini-options will be taught in classes and you will not necessarily be taught by the same person who was your tutor for the core topics.

There will be a more restricted range of core topics than in the past. This is to make room for the mini-options. Authoritative guidance on the range of topics in the core will be issued early in MT 2012, together with an indicative list of mini-options. You will choose your mini-option from a finalized list in HT or TT of your second year, when you are studying Jurisprudence (all Jurisprudence tutorials take place in HT and/or TT of the second year).

Examination:

- (i) Core topics: Your Jurisprudence unseen written examination (at the end of your final year) will take a new form. Instead of our traditional finals paper taking three hours and requiring you to answer three out of sixteen questions, your finals paper will take two hours and will require you to answer two out of ten questions. This examination paper will cover only core topics on the tutorial syllabus. Sample examination papers in the new format will be published during MT2012, together with explanatory notes.
- (ii) Mini option: Your mini-option will be examined by an essay that you must write in your own time *during the summer vacation at the end of your*

second year (this applies to Law with Law Studies in Europe students too). You will be provided near the end of TT with a list of questions arising from your mini-option and you will choose one to answer. The essay writing will be unsupervised. However guidance on what is expected will be given, including one or more classes on how to write an essay for assessment.

Excerpt from the Examination Regulations:

'Candidates offering Jurisprudence will be examined in that subject by:

- (a) a two hour closed-book examination at the end of a student's final year of the Final Honours School, in which students answer two questions from a selection of ten, and*
- (b) a single essay of 3,000-4,000 words to be written during the summer vacation between the end of Year 2 and commencement of Year 3 of the Final Honour School.*

Essay questions will be prescribed by the examiners and published on the notice board of the Examinations Schools, High Street, Oxford OX1 4BG, at noon on the Wednesday of the eight week of the Trinity Term preceding the examination. Two copies of each essay submitted must be delivered to the Chairman of the BA Jurisprudence Final Honours School Examiners, Examination Schools, High Street, Oxford OX1 4BG, by noon on the Friday of 0th Week preceding the beginning of the Michaelmas Full Term immediately following. The essays must bear the candidate's examination number, but not his or her name or the name of his or her college.

Every candidate shall sign a certificate to the effect that the essays are his or her own work, and the candidate's tutor or tutors in Jurisprudence, or if not available, a Law tutor in the candidate's own college shall countersign the certificate confirming that, to the best of his or her knowledge and belief, this statement is true. Candidates shall further state the total number of words used in their essays. This certificate shall be presented together with the essays. To ensure anonymity the certificate must be placed in a sealed envelope.'

Arrangements for lectures and other teaching will be explained in full during MT2012, and supporting material will be posted on the [Jurisprudence website](#)

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? 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. Of growing importance is the impact of EU law on British labour law, particularly in the field of 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 do not merely operate not merely between the parties to a particular transaction involving the land, but can also affect third parties - other people coming into contact with it, such as later purchasers. 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 third parties?

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 Simon Gardner with Emily MacKenzie, *An Introduction to Land Law* (Hart Publishing, 3rd edn, 2012).

Teaching Conventions:

- (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)

Medical Law and Ethics

This course covers selected legal, ethical and medical issues arising in medical practice and research. It focuses on issues of consent, autonomy and best interests of the patient and other interested parties, and how these create intersections with other areas of law, such as tort, criminal and personal property law.

Four core areas of medical law are covered: intentional torts and clinical negligence; reproductive medicine and rights; organ donation and transplantation; and end of life issues. Lectures cover both the legal and ethical issues arising in those areas of medicine, and assume knowledge of the relevant law already covered in the Law Moderations Criminal Law course, and the FHS Tort Law course. Students will be encouraged to take a critical approach and consider where the law may require reform, drawing on the legal and ethical literature to support their views. The course also includes lectures on reasoning in ethics, which will cover various methodologies in ethics for determining about how to act, to give students a grounding in how conclusions about ethical issues are reached (and critiqued), and on a range of issues in medical ethics not covered elsewhere in the course.

The subject is through five tutorials and a series of 20 lectures. The lectures are intended to be interactive and students should expect to be called upon to participate in discussion and debate. Lectures will cover the syllabus, and a number of guest lecturers will also speak on topics of interest in medical ethics. These guests will include barristers, medical practitioners, religious leaders and members of the Uehiro Centre for Practical Ethics.

Syllabus:

Rationing of healthcare
 Negligence in Clinical Medicine
 Consent in medical law
 Consent, Autonomy and Paternalism – ethical perspectives
 Refusal of medical treatment
 Forced medical treatment (will include forced caesareans)
 Ethical Issues in reproductive medicine
 Contraception and abortion
 IVF, PGD and saviour siblings
 Surrogacy
 Wrongful life and wrongful birth
 Organ donation and sales
 Human tissue use in research and ownership
 Research ethics
 Ethical Issues in death and dying
 Defining death
 Euthanasia, withdrawal of medical care and ‘do not resuscitate’ orders

Materials available in exam: Caselist**Moral and Political Philosophy**

The aim of this course is to provide an introduction to the fundamental questions of moral philosophy and some central issues in political philosophy. The course is divided into two parts: Part A covering the nature of moral philosophy, and Part B dealing with the topics in political philosophy.

Part A takes a philosophical perspective on fundamental questions about the nature of morality. It asks whether moral values are (or can be) ‘objective’, or whether they are simply ‘subjective’ or ‘relative’, and what reason(s) we have (if any) to be moral. Part A also examines three of the most prominent approaches to the nature of morality—consequentialism, deontology and virtue ethics. Finally, it raises questions about our relationship to morality: Do we really have the freedom to choose whether or not to act in the morally right way? Does morality always provide us with a permissible course of action?

Part B examines some central topics in political philosophy, namely, democracy, liberty, equality and justice.

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.

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 numerous 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

Public International Law

There has never been a more exciting time to study Public International Law (PIL). Issues of PIL and international justice are at the forefront of public debates to a greater degree than ever before. International law provides the technical and intellectual underpinnings to large areas of international co-operation, including the prosecution of war crimes (both internationally and nationally), the legality of the use of force against States (e.g. Iraq), environmental protection, the scope of human rights protection (e.g. the ‘war on terrorism’), the economic effects of globalisation promoted through the work of institutions such as the World Trade Organization, the settlement of land and maritime boundary disputes, and the resolution of jurisdictional conflicts arising in the context of anti-trust and other forms of economic regulation by States.

PIL today not only impacts and shapes decisions by States to a greater degree than ever before, but it also penetrates into the national legal order – often through national court decisions – to give rights to individuals and corporations to an extent that is unrivalled in the history of the subject. These developments have in turn led to the growth of lawyers and law firms who specialise in the practice of PIL. This is in addition to the demand for PIL lawyers in governments, inter-governmental organizations (such as the United Nations and the large number of UN Specialized Agencies), and non-governmental organizations.. 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.

The PIL course at Oxford covers the major areas of general international law and is not over-specialized. 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, the law of foreign investment, State responsibility, the use of force and the procedures for peaceful settlement of disputes. In addition, the lectures introduce students to special areas such the law of the sea, international humanitarian law and investment arbitration. The consideration of these subject areas takes place within their broader policy context and having regard to recent experience.

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.

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.

Teaching Conventions: The subject is taught by weekly lectures and tutorials across Michaelmas and Hilary Terms. The public international law teaching group assumes that students taking this subject will attend all the lectures.

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 Institutes and 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 are interested in making use of their classical background or of developing the knowledge of Roman law they have acquired by taking the 'A Roman Introduction to Private 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. In practice this will lead to discuss fundamentals of the law of delicts/torts, aided by the comparison with English cases.

The lectures are based, so far as the Roman law is concerned, on the set texts, in English translation. 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 translated texts and on questions regarding the literature given for the texts. Knowledge of Latin is not required or necessary, sensitivity for the philological aspects of the originals, when relevant, is. Much literature will quote Latin phrases but in practice this should not cause problems; for fully cited texts either the translation is present in the set texts or it is separately provided.

By its nature this course attracts and is suitable for only 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.

In 2009/2010 there will be seven seminars in Michaelmas Term, on quasi-delict, *furtum* and the *lex Aquilia*, and eight in Hilary Term on the *lex Aquila*, noxal liability and *iniuria*. Students will be offered four tutorials, to be arranged by their college tutors.

Syllabus: 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 and 8-9;
Digest XLVII.2.1-48, XLVII.5, XLVII.8.1-12 and XVII.10;

- (b) The Roman law of damage to property, studied in connection with Digest IX.1.1, IX.2, IX.3 and IX.4.1-10.

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 and co-ordinated classes commencing in Michaelmas and continuing to 4th week in Hilary. These lectures and classes are key elements of the teaching. The five tutorials are also spread through Michaelmas and 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) Capital 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 favoured 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: Extracts from Tax Legislation compiled by the Faculty of Law with permission from LexisNexis

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, and 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.

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 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 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:

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 and Mooting Skills Programme

A precondition for award of a degree in the Final Honour School of Jurisprudence is successful completion of the Faculty of Law's Legal Research and Mooting Skills Programme (LRMSP). This practical programme was designed to help new law students learn about the structure of legal resources and how to use them efficiently. Students beginning either the BA in Jurisprudence or the BA Law with Law Studies in Europe (including Senior Status students) are required to successfully complete the three units of the LRMSP during their first year:

The **Introductory unit** early in Michaelmas Term, which comprises library induction in Week 0, and induction lectures and a one-hour hands-on research class in Week 1.

The **Advanced unit** early in Trinity Term, which comprises reading through the online tutorial on the LRMSP website; a one-hour hands-on class on using electronic legal resources; and an online assessment based on content in the online tutorial and the class.

The **Mooting unit** which also takes place during Trinity Term, and comprises a lecture in week 3, a two-hour research class in week 4 or 5, and taking part in a moot in Week 7, as well as related requirements such as online submission of skeleton argument and list of authorities. Each student in a winning moot team wins a point for their College.

Diploma students are required to complete the LRMSP Introductory unit and the 'Common Law Sources for Diploma students' class and related worksheets during Michaelmas term.

An online tutorial about the structure of UK legal sources and how to use them, along with details about class times and how to sign up is provided on the LRMSP website (<http://denning.law.ox.ac.uk/lrsp/>). Classes are also advertised on the Law-Mods mailing list, and sign-up for the classes is on Weblearn. The LRMSP is taught in the Freshfields Bruckhaus Deringer IT Training Room in the Bodleian Law Library.

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 IT Services courses.

For more information, please consult the website or contact Sandra Meredith, the Faculty's Departmental Lecturer in Legal Research Skills (Sandra.Meredith@law.ox.ac.uk, or phone 71499).

Appendix: University Policy Statements and Codes of Practice

1. Integrated Equality Policy (including references to Disability Equality Policy)

The University's aims

1. The University of Oxford aims to provide an inclusive environment which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all its staff and students are respected to assist them in reaching their full potential. The University will work to remove any barriers which might deter people of the highest potential and ability from applying to Oxford, either as staff or students.

The University's commitment

2. No prospective or actual student or member of staff will be treated less favourably than any other, whether before, during or after their study or employment at the University of Oxford on one or more of the following grounds (subject to any legal constraints and in relation to the protected characteristics laid out in the Equality Act 2010): age; colour; disability; ethnic origin; gender reassignment; marital or civil partnership status; nationality; national origin; parental status; pregnancy or childbirth; race; religion or belief; sex; sexual orientation; or length or type of contract (e.g. part-time or fixed-term). The University has approved separate policies for race ([Race Equality Policy](#)) disability ([Disability Equality Policy](#)), and gender ([Gender Equality Policy](#)) to meet the specific obligations of the Race Relations (Amendment) Act, the Disability Discrimination Act 2005 and the Equality Act 2006. These are currently under review in light of the Equality Act 2010.

3. With regard to staff, this policy applies (but is not limited) to advertising of jobs and recruitment and selection, to training and development, to opportunities for promotion, to conditions of service, benefits, facilities and pay, to health and safety, to conduct at work, to grievance and disciplinary procedures, and to termination of employment.

4. With regard to students, this policy applies (but is not limited) to admissions, to teaching, learning and research provision, to scholarships, grants and other awards under the University's control, to student support, to university accommodation and other facilities, to health and safety, to personal conduct, and to student complaints and disciplinary procedures.

5. In order to realise its commitment, the University will:

- promote the aims of this policy, including the provisions for prevention of less favourable treatment laid out in paragraph 2;

- promote equality and good relations between people who share a relevant protected characteristic and people who do not share it;
- be proactive in eliminating discrimination, including harassment and bullying, through training and the production and dissemination of codes of practice and guidance;
- have regard to its obligations under relevant legislation, including the requirement to carry out impact assessments in certain areas, and ensure that its policies, codes of practice and guidance mirror the same, and reflect the provisions of new legislation;
- whilst acknowledging that they are not legally binding, have regard to any Codes of Practice issued or adopted by the Equality and Human Rights Commission;
- make this policy, as well as all codes of practice and guidance available to all staff and students; and
- regularly review the terms of this policy and all associated codes of practice and guidance.

Responsibilities

Council and its major committees

6. It is the responsibility of Council and its major committees to provide mechanisms through which the University's strategic objectives for equality and diversity can be delivered and also to work in partnership with colleges to agree a fair and equitable division of responsibility under current and future equality legislation.
- 7.

Pro-Vice-Chancellor (Personnel and Equality)

7. The Pro-Vice-Chancellor (Personnel and Equality) is appointed by Council to provide leadership in all matters relating to Equality and Diversity and to oversee the development of equality policy frameworks and their application in the University, working as appropriate with those colleagues and bodies, including those committees with responsibility for student matters, that have specific mandates.

The Equality and Diversity Unit

8. The Equality and Diversity Unit has the responsibility of considering all existing and emerging equality legislation with a view to identifying relevant issues, which are then translated into key university policies for approval by relevant bodies. The Unit provides information and guidance to divisions, departments and faculties to enable them to discharge their responsibilities and to support senior members of the University in showing leadership on equality and diversity issues. The Unit facilitates central consultation with specific groups of staff and students. The Unit provides monitoring of key strategic issues and also drafts publications for approval by the relevant bodies as appropriate. The Unit also provides support services to staff and students with regard to harassment issues, childcare, and disabilities and specific access needs.

Divisions, Departments & Faculties

9. Heads of Divisions, Departments and Chairs of Faculty Boards, of both academic and administrative departments, are responsible for the day-to-day implementation and delivery of the University's strategic objectives for equality and diversity in that division, department or faculty in accordance with the guidance attached to this policy.

The University Estates Directorate

10. The University Estates Directorate has primary responsibility for facilitating the accessibility of the University's buildings for disabled users, in collaboration with the Head of the Department or Faculty concerned.

All staff and students

11. This policy applies to all members of the university community, both students and staff, whether permanent, temporary, casual, part-time, or on fixed-term contracts, to job applicants, to student applicants, current and former students, to associate members, and to visitors to the University.

12. These members of the university community have a duty to act in accordance with this policy, and therefore to treat colleagues with respect at all times and not to discriminate against or harass other students or members of staff, whether junior or senior to them.

13. The University expects all its staff and students to take personal responsibility for familiarising themselves with this policy and to conduct themselves in an appropriate manner at all times to respect equality of opportunity for all staff, students, applicants and visitors. The University regards any breach of this policy by any employee(s) or student(s) as a serious matter to be dealt with through its agreed procedures and which may result in disciplinary action.

Complaints

14. Any prospective or current student or member of staff who has a complaint concerning a breach of this policy may bring such a complaint to the University. Information and guidance on complaints procedures is available at the end of this document.

Review

15. Council will review the integrated policy on a three year cycle, in tandem with the policies on race, disability and gender equality, the first such review to take place in Hilary Term 2012.

Details of policies, information and advice on:

[Race](#)

[Gender](#)

[Disability](#)

[Age](#)

[Religion and Belief](#)


[Sexual Orientation](#)

Information and guidance on complaints procedures.

Students	
Proctors	<u>Complaints Procedures</u>
Staff	
Personnel	<u>Grievance procedure for all academic and academic related staff</u>
Personnel	<u>Grievance procedure for all university support staff</u>
Equality & Diversity	<u>University Policy and Procedure on Harassment and Bullying</u>

2. Maternity/Paternity/Adoption Leave

University Policy on Student Maternity, Paternity and Adoption Leave

To support students seeking to take parental leave, the University's [Student Maternity, Paternity and Adoption Leave Policy](#)  (91kb) provides details of the arrangements for undergraduate, postgraduate taught, postgraduate research and overseas students who are about to have or adopt a child. The policy outlines how much leave students are entitled to, access to University facilities, graduate accommodation and childcare services and the provision for a flexible return to full-time study.