

FORM OF REPORT ON EXAMINATIONS 2023/24

[In compiling their reports, examiners are asked to have regard to the Examinations and Assessment Framework and any applicable divisional/subject guidance. All parts of this report, with the exception of Section E of Part II, should be shared as a matter of course with joint consultative committees (or equivalents) and made available to students.]

Bachelor of Civil Law and Magister Juris

PART I

STATISTICS

A. [In each case please give the figures for the preceding two years in brackets.]
 [Statistical data should not be provided for cohorts comprising five or fewer students.]
 [Please delete the classified/unclassified examinations table as appropriate]

(1) Numbers and percentages in each class/category

BCL

Category	Number			Percentage (%)		
	2023/24	2022/23	2021/22	2023/24	2022/23	2021/22
Distinction	46	(60)	(62)	41	(49)	(48)
Merit	50	(46)	(49)	45	(38)	(38)
Pass	15	(13)	(10)	13	(11)	(8)
Fail	1	(3)	(8)	1	(2)	(6)
Total	112	(121)	(129)			

MJur

Category	Number			Percentage (%)		
	2023/24	2022/23	2021/2022	2023/24	2022/23	2021/22
Distinction	9	(13)	(12)	26	(36)	(26)
Merit	12	(18)	(20)	35	(50)	(44)
Pass	12	(4)	(13)	35	(11)	(28)
Fail	1	(1)	(1)	3	(3)	(2)
Total	34	36	46			

(2) If vivas are used:

Please include numerical detail of any vivas which were held, with an indication of the effect of any vivas on classes or results.

Not Applicable

(3) Marking of scripts

Please give details of scripts which are not double-marked.

The Law Faculty does not operate a marking regime involving the blind double-marking of all scripts. However, extensive double-marking according to a system approved by the supervisory body does take place, and the Faculty takes a great deal of care to ensure the objectivity of marking procedures.

For each paper¹ there will be a team of at least two markers. For each paper, a minimum sample of 6 scripts, or 20% of the scripts, whichever is the greater number, will always be double-marked, as will:

- any other script/essay which the first marker found difficult to assess, and
- any script or essay for which the first mark is 63, 64, 68 or 69, and
- any script/essay which might be in line for a prize, and
- any script or essay for which the first mark is below 60, and
- any script which has an 'absent answer'.

For each double-marked script, the markers must meet to compare their marks and to come to an agreement as to the correct mark overall and for each question. If a discrepancy in marks exists, then markers must complete a reconciliation sheet. The team operates under the aegis of the Board of Examiners, and the whole board meets to discuss/finalise marks, providing an extra layer of assurance in terms of the objectivity of the process, and a means of resolving any situation where two markers are unable to reach agreement.

NEW EXAMINING METHODS AND PROCEDURES

B. Please state here any new methods and procedures that operated for the first time in the 2023/24 academic year with any comment on their operation in the examination and on their effectiveness in measuring the achievement of the stated course objectives.

BCL and MJur exams returned to an in person format for the first time since the pandemic, and to enable students to type rather than handwrite their answers, the Faculty participated in a new initiative implemented by Exams Schools, entitled 'Bring Your Own Device' (BYOD), which involved students undertaking examinations on their own laptops.

Because the BCL and MJur (and MLF students taking BCL options) were the very first cohorts of students to engage with this system, there were inevitably various logistical challenges, not least the holding of examinations in the Faculty building rather than Examination Schools, but for the most part, the new arrangements worked extremely well (in no small part because of the work of our BCL/MJur Administrator Lilit Rickards, and the Exams School liaison Martin Christleib), and there were a number of positive comments from students.

The problems that did occur related not to the new IT arrangements but to the return to a format which required the provision of materials in the exam room. Unfortunately, in a small number of cases, the right materials were not provided, or were only provided after the start of the examination. The source of the problem seemed to be Exam Schools rather than the Faculty, and principally occurred when students were sitting separately under alternative arrangements. In two instances, the examiners

¹ In this context, 'paper' refers to each BCL/MJur option or half-option, including essay papers.

were asked to take account of these problems in the marking process; in others, students submitted MCEs.

A small number of candidates pursuing half-options in IP subjects in Michaelmas and Hilary Terms were able to sit their exams in Exams Schools using Chromebooks provided by Schools, this being the standard means by which Exams Schools have been offering typed examinations since 2023 (these arrangements were not available to BCL/MJur students taking exams in Trinity because of space/resource issues). These exams ran smoothly, with no problems reported by students or Exam Schools.

C. Please summarise any **future or further** changes in examining methods, procedures and examination conventions which the examiners would wish the faculty/department and the divisional board to consider. Recommendations may be discussed in further detail under Part II.

The Board of Examiners will be considering its own terms of reference with a view to giving it the authority to take account of examination arrangements prospectively, in response to a very difficult case involving a marginal fail, where, as a consequence of circumstances beyond the candidate's control, it seemed very likely that they would not be in a position to return for a resit.

The Board also asks if consideration can be given to changing the Exams and Assessment Framework to record more possible actions available to Boards in circumstances where a student performs erratically across a paper (i.e. with a mixture of strong and weak answers) but for reasons that are explained by an MCE.

D. Please describe how candidates were made aware of the examination conventions to be followed by the examiners and any other relevant examination information.

Examination Conventions were made available on the relevant Canvas sites. These were supplemented by email communications explaining the new examining arrangements.

PART II

[Part II contains more detailed discussion of the examination and individual papers etc. Examiners are asked to ensure that any comments that they do not wish to have transmitted to students are indicated clearly and are kept within the separate *Section E* of this report. The report should include the following sections:]

A. GENERAL COMMENTS ON THE EXAMINATION

[*Excluding* comments on identifiable individuals and other material which would usually be treated as reserved business. This section should include any matters which the examiners wish to draw to the particular attention of the responsible body, including any comment on statistical trends as shown in section A. It is especially helpful to have a comment on the overall standard of performance in the examination, including any trends in results or in relation to particular areas of the curriculum, and on any

developments or changes to the existing course which might have been suggested by the examination process.]

As reported above, the examination overall went well. There was a fall in the number of Distinctions attained, which may be associated with the return to in-person closed-book exams, but the drop is not sufficiently pronounced as to set alarm bells ringing; indeed, concerns in the recent past have been to the effect that too many Distinctions were being awarded, so the figures should be viewed in that context.

B. EQUALITY AND DIVERSITY ISSUES AND BREAKDOWN OF THE RESULTS BY GENDER

[Chairs of examiners should include in the reports of their boards a commentary on any general issues relating to questions of equality and diversity, and of special educational needs (comments which might identify individual candidates should be confined to section E).

A breakdown of the results by gender for both the current year, and at least the previous 3 years should always be supplied, so that it is possible to track systematically gender differences in examination performance. In small cohorts this breakdown by gender may be omitted to maintain confidentiality. Where there is a noticeable gap in attainment between genders, boards are encouraged to place the breakdown of results by gender in Section E of the report, to avoid the risk that the data reinforces negative stereotypes regarding gender performance, in a context where students are using examiners' reports as part of their examination preparation.

This section of the report should also include comments on the effect of different methods of assessment (e.g. problem questions, extended essays, essay papers) on any observed differences.]

	2023/24						
	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	154	103			51		
Distinction	55	38	37		17	33	
Merit	80	48	47		32	63	
Pass	26	15	15		11	22	
Fail	2	1	1		1	2	
Incomplete		1			0	0	
	2022/23						
	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	161	88			73		
Distinction	73	48	55		25		
Merit	64	27	31		37		
Pass	17	9	10		8		
Fail	3	1	1		2		
Incomplete	4	3	3		1	1	
2021/22							

	Total	Male	% of Male	% Cohort	Female	% of Female	% Cohort
All grades	175	100			75		
Distinction	74	41	41		33	44	
Merit	69	35	35		34	45	
Pass	23	18	18		5	7	
Fail	9	6	6		3	4	
Incomplete	0	0	0		0	0	

While the pattern of there being a higher proportion of male students than female students attaining Distinctions continued for another year, the figures were closer to each other than we've seen for a number of years.

C. DETAILED NUMBERS ON CANDIDATES' PERFORMANCE IN EACH PART OF THE EXAMINATION

[This section should include the numbers taking each paper (core and optional). Where appropriate, and where the information is likely to be useful, it should also include the number of attempts and a breakdown of the marks on each individual question. This will help towards a judgement about whether candidates are achieving a balanced coverage of the syllabus.]

Option	Average mark	Number sitting	49 or below	50-54	55-59	60-64	65-69	70-74	75 and over
Advanced Administrative Law	67	20	0	0	0	6	6	8	0
Advanced and Comparative Criminal Law	69	7	0	0	0	1	2	4	0
Advanced Property and Trusts	68	12	0	0	0	1	8	3	0
BCL Dissertation	67	5	0	0	0	2	0	3	0
Children, Family and the State: Children and the Law	67	20	0	0	0	3	11	6	0
Commercial Negotiation and Mediation	58	1	0	0	1	0	0	0	0
Commercial Remedies	65	42	1	3	2	8	16	10	0
Comparative Copyright	61	6	1	0	1	1	1	2	0
Comparative Equality Law	67	15	0	0	2	2	5	6	0

Comparative Human Rights	67	17	0	0	1	3	6	7	0
Competition Law	67	10	0	0	0	2	6	2	0
Conflict of Laws	66	29	0	1	1	10	9	8	0
Constitutional Principles of the European Union	67	5	0	0	0	2	2	1	0
Constitutionalism in Asia	65	16	0	1	1	5	7	2	0
Contract	47	7	2	2	0	3	0	0	0
Corporate Finance Law	69	12	0	0	0	3	4	5	0
Corporate Insolvency Law	69	7	0	0	0	0	4	3	0
Criminal Law Theory: Homicide	68	6	0	0	0	1	2	3	0
Families and the State: Adult Relationships	68	25	0	1	0	2	12	10	0
Family Law	65	1	0	0	0	0	1	0	0
Human Rights at Work	68	16	0	0	0	6	5	5	0
Incentivising Innovation	68	10	0	0	0	2	5	3	0
International Dispute Settlement	65	23	1	0	1	5	6	10	0
International Economic Law	67	15	1	0	0	1	6	7	0
International Environmental Law	70	9	0	0	0	1	3	5	0
International Human Rights Law	70	14	0	0	0	0	7	6	0
International Law and Armed Conflict	66	14	1	0	1	2	5	4	0
International Law of the Sea	60	7	1	0	0	1	1	4	0
Jurisprudence and Political Theory	68	14	0	0	0	1	8	4	0
Law and Computer Science	69	17	0	0	0	1	7	9	0

Law and Society in Medieval England	70	2	0	0	0	0	1	1	0
Law in Society	68	11	0	0	0	0	8	2	0
Legal Concepts in Environmental Law	68	21	0	0	0	3	11	7	0
Legal Concepts in Financial Law	68	22	0	0	1	1	13	7	0
Medical Law and Ethics	68	15	0	1	0	1	4	8	0
MJur Dissertation	68	7	0	0	0	2	1	4	0
Modern Legal History	71	3	0	0	0	0	1	2	0
Philosophical Foundations of the Common Law	68	13	0	0	0	0	8	5	0
Principles of Civil Procedure	69	28	0	0	0	0	15	13	0
Principles of Financial Regulation	67	11	0	1	0	2	3	4	0
Principles of Intellectual Property Law	62	3	0	1	0	0	1	1	0
Private Law and Fundamental Rights	68	8	0	0	0	2	1	4	0
Regulation	68	14	0	0	1	2	5	6	0
Restitution of Unjust Enrichment	65	23	0	0	1	9	6	5	0
Taxation of Trusts and Global Wealth	69	5	0	0	0	1	2	2	0
Trade Marks and Brands	65	7	0	0	1	3	1	2	0
Trade Marks and Brands (old syllabus)	54	1	0	1	0	0	0	0	0
Transnational Commercial Law	65	23	1	0	0	3	9	10	0
Trusts	58	1	0	0	1	0	0	0	0

D. COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS

[This part (which is likely to be the longest part of the report) should be physically separate. Together with the preceding sections, it will be scrutinised by teaching committees and examination committees, and made available to Joint Consultative Committees with Undergraduates and to college and departmental libraries. It must not therefore contain any material which would usually be treated as reserved business, and detailed comments do not need to be provided for individual papers comprising of five or fewer students. Departments are encouraged to refer to the exemplars for reporting on papers and individual questions provided in Annexe 1. These are non-prescriptive examples but highlight what is suitable for inclusion in this section.]

See Annexe 1 below

E. COMMENTS ON THE PERFORMANCE OF IDENTIFIABLE INDIVIDUALS AND OTHER MATERIAL WHICH WOULD USUALLY BE TREATED AS RESERVED BUSINESS

[This part must be physically separate, and must be detached from the version of the report sent to JCCs and to college and departmental libraries. It should be included in your report to the relevant division and retained for **one year** only after the final exam board.

Include in this section the total number of mitigating circumstances notices to examiners received and the number of candidates for whom the notice had a material impact on their results and/or classification. The total number of candidates who received a 'Declared to Deserve Honours/ Masters' degree should also be included.]

For the second year in succession MCE numbers dropped (down to 27 from 32 in 2023 and 48 in 2022) which speaks to the fact that the in-person format wasn't a problem for most students. X candidates were awarded higher classifications as of MCEs (and marks profiles which put them on the borderline of the higher classification). There were two particularly difficult cases where decisions had to be made in respect of candidates who had not been able to complete all assessments, but the Board was able to draw on precedents in reaching a conclusion as to how to deal with these.

As was to be expected with the move to in-person exams, there was a drop in plagiarism cases; the Board referred no cases to the Proctors, and there were only three instances of poor academic practice penalties.

F. NAMES OF MEMBERS OF THE BOARD OF EXAMINERS

Name (Chair of Examiners) Angus Johnston Name (Internal Examiner) Anne Davies, Richard Ekins, Dan Sarooshi Name (External Examiner) Arvind Thiruvallore Thattai

Advanced Administrative Law Report

Students were given a choice of eight questions to answer (although question 5, on remedies gave students a choice of two sub-questions). All questions, with the exception of question 3 on ombuds, attracted answers. However, some, especially questions 1 (policy and judicial review), 2 (international law and judicial review), 5a (remedial discretion), 6 (principle of legality) and 8 (contracts) were noticeably more popular.

The examiners were generally very impressed by the quality of the scripts. What was particularly refreshing was to see that a wide range of different viewpoints and lines of analysis were put forward in response to the questions set.

All of the candidates' answers showed a good understanding of the relevant area of law and brought to bear some degree of critical judgment in assessing it. In general, what distinguished the strongest scripts was that (i) they offered a very direct response to the question set (as opposed to more generally surveying the relevant area of law), (ii) were clearly organised, enabling the reader to follow the line of analysis and (iii) ensured that, where a line of reasoning was drawn upon it was also critically evaluated, meaning it was very clear to the examiners whether or not the student found the viewpoint convincing or otherwise.

Advanced and Comparative Criminal Law Examiner's Report

This was the fourth year of the ACCL paper, and six candidates were to sit the exam. Candidates had to answer two out of six questions in a take-home exam format. Candidates did best when they brought both doctrinal and theoretical perspectives to the law. Candidates who brought in comparative perspectives to aid their answers where the question was called for it achieved strong results. Where a question asks for how the law could be improved, or related questions, it is important that candidates are able to explain not just their ideas and values, but also how to implement them. This year there were generally strong answers, candidates performed effectively.

Candidates this year favoured questions on criminal procedure and sexual offences, though other questions were also answered. It was particularly important to be able to dispassionately review the possible formulations of an issue, and the theoretical frameworks to analyse it, showing awareness of the relevant strengths and weaknesses, before selecting the argument that best fitted the candidate's position.

Comparative Human Rights Law

The overall standard of this year's scripts was very good, with some outstanding responses. Seventeen candidates wrote the exam. Seven were awarded distinction grades and a further four achieved above 66%.

This year the examinations reverted to a closed book format after the open book format which had been used since the beginning of the Covid pandemic. Candidates were, however, provided with a list of case-names. Candidates were therefore rewarded for integrating a thorough knowledge of the primary and secondary materials in their analysis of the topics. Some candidates, however, simply referred to the case-names without demonstrating any specific knowledge of the cases and on one or two occasions, the case- names were used erroneously. This was clearly not sufficient.

The best scripts focussed their responses on the challenges raised by the question, especially if a quotation was included, used a thematic approach to the comparative jurisprudence rather than dealing with one jurisdiction at a time and had clearly structured and well-supported arguments. A fluent knowledge of the textual mandates and constraints in the constitutions and statutes of different jurisdictions was crucial to achieving a good grade, together with a grasp of the role of the comparative legal and social context in shaping the jurisprudence. The best scripts also demonstrated individual and critical thinking. Candidates were not highly rewarded for essays which simply canvassed the field in general, or which did not produce a critical analysis of the materials in the light of the question asked.

All questions were attempted by some candidates, the most popular questions being Q1 (the role of dignity in capital punishment), Q4 (role of courts and the right to housing), Q6 (health and fundamental rights), Q3 (abortion and the right to privacy) and Q2 (education and indivisibility and interdependence of rights). The best answers addressed the specific challenges raised in the question, referring closely to any quotations provided. The questions specifically invited candidates to apply the cross-cutting themes to the substantive right. This was done consistently well in relation to Q4 (housing) while the better responses to Q6 on health were those which engaged with the meaning of a fundamental right together with addressing the right to health. Only a few candidates attempted question 8 but those who did on the whole produced very good responses to a difficult question. Q1 on capital punishment attracted some very good responses, showing a pleasing and in-depth understanding of both the case law and the challenges of the concept of dignity, as well as a good comparative perspective. There were, however, candidates who did themselves a disservice by producing essays which had been formulated for different questions, such as the role of public opinion in relation to the death penalty. This was particularly evident in relation to Q3 on abortion, where very few candidates paid any attention to the citation, which referred to private life under the ECHR. There were very few responses to the questions on freedom of speech (Q5) and freedom of religion (Q7).

Overall, the scripts were very pleasing and showed a good understanding of the legal materials, the comparative methodology and the underlying challenges.

Competition Law

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

The examination was taken by 16 candidates. On the whole, the scripts showed excellent command of the subject and very good analytical skills, with 2 candidates (12.5%) being awarded an overall mark of 70% or above.

First class answers generally displayed a strong grasp of the underlying material, underscored by significant and sustained references to case law and commentary, balanced with robust analytical engagement. Weaker answers tended to miss substantial issues, neglect critical analysis, fail to engage in detail with case law and misconceive the relevant law, or how that law ought to be applied to the facts.

Conflict of Laws

The paper followed the usual rubric of eight questions (four essays, four problems), with no mandatory requirement to answer questions from either format. One of the essay questions was set on an either/or basis. Candidates were required to answer three questions.

There were 29 scripts: 8 (27.6%) were awarded a mark of 70 or higher, 19 a mark between 60 and 69 (65.5%) and two a mark between 50 and 59 (6.9%). The average mark was just below 66 and the standard overall was good.

As is usually the case, problem questions proved to be more popular than essay questions, and many candidates attempted only problem questions; in particular questions 5, 6 and 7. Question 8 (mainly on choice of law in contract) was least popular among the problems, perhaps because it was divided into two parts, the first part of which was a mini-essay on mandatory rules in contract.

Among the essays, question 4 was by far the most popular with slightly more attempts at part (a) (company) than part (b) (corporate social responsibility). Surprisingly, there were no attempts at question 3 (choice of law in tort).

Some of the answers to question 4 were among the strongest on view, with a particularly impressive range of sources on display and well-structured argument. The answers to question 1 (characterisation) and question 2 (enforcement of choice of court agreements and choice of law agreements) were a little less assured.

When it came to the problems, the difference between scripts in the high 60s and those at 70 or above tended to lie in the appreciation, in the latter, of some of the less obvious points, of which the following are just examples: (i) in question 5, the potential relevance of the wasted costs order and whether it engaged 'Rule 20', and the possible application of the estoppel argument in *House of Spring Gardens*; (ii) in question 6, the different potential liability of R (breach of contract, primary liability in tort, vicarious liability in tort) and its effect on the issues raised, as well as a possible instance of the 'incidental question'; and (iii) in question 7, the difficult aspect of G being potentially bound by the choice of court agreement in the contract between E and I (some answers failed to deal with this at all, and higher marks tended to be awarded to those who did address it, even if there were some faltering steps in the difficult questions which it raised).

Some scripts were very long, and sometimes impressively so, but some may have benefitted from a little more reflection and slightly fewer words.

Constitutionalism in Asia

Summary reflections on the paper as a whole

General Comments:

Overall, the scripts were strong. Answers to required question in part I demonstrate students' ability to integrate knowledge of various seminars. Some questions in part II were more popular than others. Some answers include irrelevant materials.

Comments On Individual Questions

Part I:

1. How and why is constitutionalism in Asia diverse?

In general, the answers to the question are good. The question has two elements: how and why. Stronger scripts identify the diversity, provide the reasons for the diversity, while engaging with theoretical arguments. Weaker scripts tend to focus on one part and are more descriptive of the diversity.

Part II:

1. What are strategies courts use to strengthen their institutional power?

Good scripts identify the strategies and explain how courts use them.

2. Can guarantor institutions help to promote constitutionalism?

Good scripts explain the reasons why the institutions are helpful in certain circumstances.

3. Can social movements help to protect constitutionalism?

Good scripts explain the reasons why the movements are helpful in certain circumstances

4. How can political parties undermine constitutionalism?

Good scripts identify and explain the ways the parties can do so.

5. What are political constraints on the roles of courts in advancing LGBT rights?

Good scripts explain the political contexts that make the courts' role in this area different in different Asian jurisdictions.

6. How and why is the incremental strategy used in constitutional design in divided societies?

This question includes two parts: how and why. Good answers both identify the strategy of accommodation and explain the reasons why it is used.

7. Is constitutionalism necessary for economic development?

Good scripts explain the reasons why constitutionalism is required for economic development and discuss the relevance of constitutional authoritarianism to economic development.

8. How and why do constitutions incorporate international human rights treaties?

This question includes two parts: how and why. Good scripts identify the way treaties are included in the constitutions and explain the reasons for the inclusion (e.g. material inducement, pre-commitment to democracy)

Corporate Finance Law

29 (13 BCL/MJur and 16 MLF) candidates took this paper. Candidates were asked to submit three essays from a choice of nine questions, including one question from Part A, one question from Part B, and one question from either Part A or Part B. All students answered a Part A and Part B question as required. Two questions proved extremely popular – Question 7 from Part B (takeovers) was answered by 20 candidates, and Question 5 from Part A (crowdfunding) was answered by 19 candidates. The remaining three questions from Part B (the Equity side of the course) also proved popular, each being answered by at least 10 candidates. While less popular, each of the remaining four questions from Part A (the Debt side of the course) was answered by at least 3 candidates.

As is customary for this paper, all scripts were marked by both examiners. The overall standard of the submissions was generally good, with the average mark being 66. The quality ranged across the marking scale, with 6 candidates achieving a Distinction mark, 15 candidates achieving a Merit mark, and 8 candidates achieving a Pass mark. There were three outstanding submissions – two of which attracted a mark of 73, and one a mark of 74 (the prize-winning candidate). There was little difference in the average mark for MLF (66) and BCL/MJur (67) candidates, but noticeably more BCL/MJur candidates obtained Distinction marks of 70 or above (5 BCL/MJur candidates versus 1 MLF candidate).

Most candidates demonstrated a solid understanding of the course material and the underlying legal and economic issues and policy concerns. The strongest candidates focused sharply on the specific questions set and paid particular attention to the precise wording of questions or quotations. Weaker candidates tended to write more general essays on the topic, with more tangential references to the specific question asked. Weaker candidates also sometimes neglected to fully answer all parts of a multiple-part question, whereas stronger candidates were much more rigorous and comprehensive in their analysis. The strongest essays also stood out due to the candidates' ability to fully engage with the question in terms of offering their own thoughtful and sometimes novel analysis and arguments, supported by a deep level of engagement with the key legal provisions, case law, and academic literature. Weaker essays, on the other hand, were more descriptive and often demonstrated an over-reliance on the course textbook. Some of the strongest candidates also engaged with academic literature and practical examples that extended beyond the prescribed reading list and class discussions.

Criminal Law Theory: Homicide

This was the first year of this half paper. The exam was sat by 6 candidates, with generally strong performances on a paper which ranged across the half paper's topics. Candidates had to answer two out of six questions in a take-home exam format. Candidates who focused on well-structured essays, written fluently and with full references, were rewarded. The content of the course meant that there were multiple angles most questions could be understood from, and there was material to back up many different views. Candidates who engaged with the range of possibilities, but managed to maintain a coherent argument were rewarded.

Candidates focuses particularly on a small group of questions, especially question 3, on the "sanctity of life" argument and the availability of defences to homicide. Candidates were rewarded for engaging with the primary materials, in this case significant theoretical work from the syllabus, and thinking through the arguments before highlighted their strengths and weaknesses before deploying them to give a persuasive answer to the question set. In the case of question 3, this meant picking the defences which would best support the theoretical arguments being made. In particular, what "life" means, and how much it is an incommensurable feature of the law, by contrast with how the defences operate, was a useful early step.

More generally, question 1 was not popular, but called for an understanding of how to implement homicide theory in a code format, when England and Wales does not have one (though the Law Commission has proposed something like one in the past). Question 2 picked up the homicide implications of the classic divide between "offence" and "defence", and what things might be presumed or not, once a particular matter has been proven and related proxies. Question 4 gave the space for candidates to engage with what motive and grading were in the homicide offences, and contrast the formal requirements of liability with labelling and sentencing. Question 5 raised a classic issue of causation, act requirement and homicide, picking up human agency and expectations of future events. Question 6 addressed a different part of homicide, which was its relationship with other offences, particularly in respect of causation; it was not popular.

International Environmental Law

The overall performance by students in the International Environmental Law (IEL) option was strong. Most candidates sitting the examination achieved grades in the mid-60s or higher, with four candidates achieving distinction grades. The two prize-winning scripts, in the mid-70s, were superb, and contained insights that built on and extended what the course had covered. No script was marked below 61. All questions were attempted by at least one candidate.

The most popular question was question 7 (ineffectiveness of the Kyoto Protocol and Paris Agreement) followed by question 3 (principles of IEL), 1 (limits of IEL) and 6 (Human Right to a Healthy Environment). The Kyoto Protocol and Paris Agreement questions (questions 7, 8 (a) and 8(b)) were well answered, with students demonstrating conceptual clarity, and a familiarity with the nuances and interpretational ambiguities as well as the design choices made in these instruments. The question on principles of IEL also elicited strong responses, with only the weaker of them conflating the content of principles with their legal status. The question on the limits of IEL required students to first identify a set of issues that could plausibly illustrate the limits of IEL, and then discuss them. The selection of issues was as insightful as their discussion. The better responses to the question drew examples from across the breadth of IEL and addressed the challenge of sovereignty in the context of complex collective action issues. Similarly, the better responses on the Right to a Healthy Environment question engaged in a close analysis of the text of the relevant General Assembly Resolution, and the related declarations by some states.

The more challenging and less popular questions, question 2 (sources of IEL), 4 (non-state actors) and 5 ('fair shares' in addressing climate) presented candidates an opportunity to showcase original and thoughtful analysis. The best scripts responded to these questions and wove in fine-grained analysis with extensive reference to the scholarship, case law and treaty provisions. For instance, on the issue of 'fair shares' the better responses arrived at a carefully argued and caveated conclusion (and even suggestions for how courts might approach the issue) based on case law across jurisdictions as well as first principles. More generally, the best answers engaged directly with the question, were well-structured and demonstrated detailed knowledge of the key legal instruments, case law and academic authority. This was pleasingly evident in many of the answers in this year's scripts.

International Human Rights Law

International Human Rights Law course was assessed across two summatives – two extended essays at the end of each of the terms (Michaelmas and Hilary). The performance of candidates was quite consistent between Michaelmas and Hilary terms. Just under 40% of the class achieved a distinction across the two summatives and on the whole and a vast majority received a high merit. The quality of essays, given the extended take-home essay assessment, was excellent and allowed for greater reflection and better use of resources considered in the course. The best essays were those which straddled the three distinct perspectives taken in the course—theoretical, doctrinal and critical—all at the same time. The essays which showed independent thought were also appropriately rewarded.

Jurisprudence and Political Theory

Thirteen candidates wrote essays for the subject this year. Seven answered Q1, on the relationship between legal obligation and convention. Seven answered Q2, on some of Raz's claims about the relationship between law and moral authority. Eight candidates answered Q3, on law's institutional character. Only one candidate answered Q4, on the relevance of epistemology to legal doctrine. Six candidates answered Q5, on the properties a range of options must possess if the possessor is to have personal autonomy. Ten candidates answered Q6, on the special relationship (or otherwise) between law and justice. Four candidates achieved an average mark of 70 or above. The remainder achieved marks of between 60 and 70.

Legal Concepts in Environmental Law:

There was a good spread of questions answered. The top answers engaged with the questions asked, and in the case of discussing quotes, unpacked the quotes in detail and provided a clear analytical frame for their answers. Top marks were also awarded to answers that showed analytical independence in how they assessed and approached the questions asked. The weaker questions repeated arguments made in tutorial essays, or echoing discussions in seminars with limited additional reflection and thought.

Modern Legal History

The examination divided between a longer essay and a two question exam. The candidates did fine work on all assignments, and some particularly fine and original work was offered in the researched essays, both showing a commendable interest in the themes of the course (eg codification, equity, native title, nuisance and land use, enclosure) and skilful use of materials.

The most important piece of advice to future candidates would be to study the terms of the question, even if this is put generally, and address that question rather than writing out a discussion taking in all course materials without connecting to the problems identified in the question.

Principles of Financial Regulation

A total of 28 candidates (18 MLF and 10 BCL/MJur students) sat this exam. The standard of the scripts was consistent with the downward trend registered for the first time last year. Only 4 candidates (14%) obtained marks of 70 or above (with the highest mark of 73 hinting at an absence of outstanding scripts) and 4 scripts were marked below 60, with one of them being a fail. The average mark was 64, slightly lower than in previous years and reflective of our overall view of the quality of the scripts.

As in previous years, most candidates were able to synthesise effectively a wide range of materials but this became a liability for some. In fact, the questions invited candidates to focus on specific aspects of the issues they had studied. A common weakness in several the scripts was insufficient attention to this particular focus – that is, not fully answering the specific question set – resulting in answers that simply gave a general overview of the topic in question. Those candidates who were successful in structuring their answers to engage directly with the question set were rewarded accordingly. The most impressive scripts were characterised by candidates taking carefully reasoned positions of their own, demonstrating clear evidence of independent thought.

Questions 4, 5, 7 and 8 were attempted by significant numbers (≥ 11) of candidates and further comments on these are set out below. Questions 1, 2, and 6 each produced only a modest number of answers, while 10 of them chose question 3.

15 students attempted Question 8, which required students to discuss the design of climate change scenarios by financial regulators rather than leaving scenario specification to regulated entities. The best answers focused primarily on the pros and cons of this specific policy suggestion rather than generically talking about the challenges of climate change for financial regulation or climate risk scenarios.

Many students (14) chose a question on disclosure regulation that required them to consider the limits of the “unravelling” theory of why mandatory disclosures are often unnecessary. Most focused on the market failures that support mandatory disclosures but few had any specific to say about the specific limits of unravelling.

a specific question on insider trading but relatively few went beyond a mere summary of the various rationales for insider trading violations and consider the specificities of the case referred to in the question.

Question 5 was also attempted by many candidates (13). Better answers were those specifically tackling the main “micropru-plus” tools devised after the Great Financial Crisis.

Question 4, chosen by 11 students, comprised three questions. Few of the candidates answered each of them equally well, in some cases one of the questions having gone unanswered.

Private Law and Fundamental Rights

All seven scripts were read by both markers.

A relatively narrow range of questions proved to be popular, with no answers received to Q 2 (ultimate balancing), Q 4 (use of fundamental rights in contractual interpretation), or Q 5 (coherence of private law as a reason for limiting judicial innovations), and only a single answer to Q 6 (the case for / against general horizontal applicability). (The markers speculated that this pattern may have been a result of the popular questions being phrased in a way that made clear which – core – element of the course the candidate was expected to address; this may have made it easier to resist the challenge of addressing questions which required material to be combined from across different seminar topics.) The popular questions addressed the ways in which fundamental rights have, and ought to, affect tort law (private nuisance / misuse of private information), property law (proportionality of possession orders / trespass to land for protest), and employers' power to restrict the expression of their employees. In general terms, the candidates who obtained higher marks provided more detailed analysis of the case law from the perspective of respect for fundamental rights, and more nuanced justifications or criticisms for the conclusions reached by the courts and the reasoning employed. The best scripts were very good indeed, some – helpfully - drawing in the studied theoretical material and perspectives from other courses, and – pleasingly – there were no scripts that failed to exhibit a competent command of the source material and direct engagement with the themes of the course.

Regulation

This academic year provided again a strong performance of students in the new 2 submitted essays format for the examination for the 'Regulation' course.

Performance in the essays ranged from mid 50s% to high 60s marks to first class scripts.

Students chose questions fairly equally distributed across the various topics discussed during the course. Answers showed good knowledge of both the readings about the theoretical perspectives discussed and the specific legal regulatory regimes examined.

Some of the answers could have been more closely focused on the specific question asked and better structured, and could have relied less on the points provided through the handouts for the seminars. First class marks were awarded for answers that developed the students' own critical analysis, showed in-depth understanding of conceptual approaches, and included discussion of legal regulatory regimes in detail. Most essays showed evidence of wide ranging reading, including from the further readings and beyond.

Overall, answers to the set essay questions showed good research essay writing skills and research skills, developed also during the tutorial essay writing practice.

Trade Marks & Brands

Ten candidates sat the examination. By far the most popular questions were **question 2** (7 candidates) and **question 6** (7 candidates). The next most popular questions were **question 5** (3 candidates), **question 1** (2 candidates) and **question 4** (1 candidate). No candidates attempted **question 3**.

In general, candidates did a very good job in relation to **descriptive legal analysis**: identifying and describing relevant statutory provisions and case law. Indeed, the examiners were very impressed with the familiarity of candidates with material in the syllabus. Better answers limited their focus to provisions and cases that were directly relevant to the question, rather than including material that (while accurate legally) did not need to be included to order to address the question. The issue with the latter is opportunity cost: in a timed examination, spending five minutes writing a paragraph on (say) the general structure of trade mark law runs the risk of receiving much less credit than spending that same time on evaluative material that is directly on point. Better answers also used the case law to advance the critical position being advanced, for instance by weaving the case law into the evaluative analysis to illustrate the points being made.

Candidates also did a very good job of ensuring that their essays **contained critical or evaluative content** and were written around a point of view. This was generally signposted in the introduction, with essays being structured around a beginning, a middle and an end. Perhaps the main weakness –and one seen in particular in responses to question 2 –was writing an essay that did really respond to the question asked. For question 2, many candidates were critical of blurring as a trade mark harm, but there was also a tendency to skim over the prompt (which proposed that the marks most susceptible to blurring are not those ‘with a reputation’ but rather those that have not yet established themselves in the marketplace). This question drew in part from the seminar on ambush

marketing, in which it was asked (in the Hudson article in the *Media & Arts Law Review*) whether a blurring harm makes more sense in relation to sponsorship arrangements for a major event, where sponsors are seeking to educate consumers about their connection to the event. To be clear, there were still some very good answers to question 2, and students received credit for writing well-particularised and coherent essays on blurring. However, to maximise responsiveness, students are advised to ensure that their arguments relate to the prompt, rather than writing an essay that deals with the theme of the question.

The examiners wish all candidates good luck for their future examinations.

Transnational Commercial Law

The students' performance on this course was very pleasing overall. This was an excellent group, and this was borne out by the assessment. Students were given a choice of two out of seven questions to answer by way of an extended essay. Question 7 gave the opportunity to discuss an instrument not covered in the course and thus invited independent research. Not as many students as expected availed themselves of this opportunity, but those who did acquitted themselves very well. The most popular questions were questions 2, 3 and 6, while questions 1 and 5 had very few takers indeed. Outstanding papers were distinguished by an engagement with the question that went deeper than what was discussed in class and the literature set as course reading. All candidates structured their papers well, analysed the question and provided signposts that enabled the reader to follow the argument easily.

It was a pleasure to read these papers.