



UNIVERSITY OF LONDON
External System

REGULATIONS

2009–10

Important document – please read

Please read this booklet with care. It contains important information that governs your registration as an External student and your programme of study



**Diploma in the
Common Law**

Important document – please read

Regulations are reviewed and published annually, and are subject to change. Examinations, for example, are governed by the Regulations in force at the time of the examination and not at the time that a student initially registered. Students must, therefore, refer to the Regulations for the current year at all times.

All students are required to comply with the regulations, as well as the procedures, deadlines and instructions issued by the University in, for example, the student handbook/manual and Notice to candidates. The University is not responsible for any consequences arising from a student's failure to comply with these Regulations, procedures, deadlines or instructions.

Copies of the publications, proceedings and other documentation referred to in these Regulations may be obtained, on request, from the External System.

These Regulations may not be reproduced except with the written permission of the University of London External System.

The External System
University of London
Stewart House
32 Russell Square
London WC1B 5DN
United Kingdom
www.londonexternal.ac.uk

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**University of London External System
Programme Specification and Regulations booklet
Diploma in the Common Law**

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Introduction to the Programme Specification and Regulations booklet

1. This booklet contains all the regulations for a specific programme(s). The regulations are divided into two parts: the **Programme Specification** and the **Detailed Regulations** (which includes relevant **Annexes**). The Programme Specification gives the core regulatory information about the programme and is supplemented by the Detailed Regulations. The booklet also contains a **Glossary** which defines certain terms used within the booklet and a section with details about **related documents and sources of information** to which a student is likely to need to refer at different times in their studies.
2. A student registered for any of the programmes covered by this booklet is required to comply with all the relevant regulations. A student must also comply with the procedures, deadlines and instructions found in the related documents noted in the right hand column of the text and listed in the related documents section. The University is not responsible for any consequences arising from failure to comply with the regulations, procedures, deadlines or instructions.
3. On all matters where the regulations need to be interpreted, or are silent, the University's decision is final.
4. For the duration of a student's registration for a specific programme, core elements of that programme will not be changed for that student without appropriate consultation. These core elements comprise the Programme Specification. The Programme Specification and Regulations booklet is, however, reviewed and published annually, and certain programme details are subject to change. Each year's booklet replaces the one for the previous year, and so students must ensure that they refer to the current year's booklet at all times. Changes for registered students will be introduced as follows:
 - Two years' notice will be given when a subject is withdrawn, when a syllabus is amended substantially, when a prerequisite for a subject is introduced, and when the assessment method for a subject is changed.
 - Five years' notice will be given in the event that the University has to withdraw the programme.
 - All other regulations may be amended without notice provided there is no detriment to the student or, where there is possible detriment, only with appropriate student consultation. Normally, in the case of the latter, changes will be introduced for a new cohort of students only.
5. Students registered for the programmes covered by this booklet are registered with the University of London through the External System. The External System is based on a partnership between the University of London and certain Colleges of the University.
6. All programmes adhere to the University's agreed policies for programmes offered through the External System.

Programme Specification

Title and name of award

Diploma in the Common Law (Dip)

There is no provision for Occasional students on this programme and individual units cannot be taken as Supplementary subjects.

See glossary for an explanation of terms.

Level of the programme

The award is placed at the following Levels of the Framework for Higher Education Qualifications (FHEQ):

Diploma in the Common Law - Level 4

The FHEQ forms part of the academic infrastructure of the Quality Assurance Agency for Higher Education (QAA) in England and Wales.

Relevant QAA subject benchmarks group(s)

Law

<http://www.qaa.ac.uk/academicinfrastructure/benchmark/honours/law.pdf>

See the Quality Assurance Agency website for information.

Awarding body

University of London

Registering body

University of London, through the External System

www.londonexternal.ac.uk

Lead College

The following Colleges contribute to the programme: Birkbeck; King's College London; London School of Economics (LSE); Queen Mary, University of London; School of Oriental and African Studies (SOAS) and University College London (UCL).

See Glossary for an explanation

Accreditation by professional or statutory body

Students wishing to become lawyers are advised to contact the legal professional body in the jurisdiction where they hope to practice to find out if this programme will satisfy, or contribute to, their requirements for the academic stage of legal training.

Language of study and assessment

English

See also section 4 of the Detailed Regulations.

Mode of study

Study is by distance learning.

Further details about student support are in the student handbook.

Programme structures and requirements

The **Diploma in the Common Law** consists of four subjects (Level 4) as follows:

- One compulsory subject
- Three optional subjects

Full details are in section 1 and 8 of the Detailed Regulations.

Some optional subjects have pre/co-requisites. Where a pre/co-requisite is indicated a student must either have passed the requisite subject or be taking the requisite subject at the same time as the subject requiring that pre/co-requisite. Where a student

undertakes the programme over two or more years, the compulsory subject *Common Law reasoning and institutions* must be taken in the first year of assessment.

Some subjects are 'Intermediate subjects' including *Common Law reasoning and institutions*. No more than three of the four subjects studied can be from those identified as 'Intermediate subjects'.

To be considered for **the award of the Diploma in the Common Law**, a student must have passed the examinations in all four subjects. All examinations are weighted equally. Examinations are marked on the following scale:

Mark range	Class
70 and over	Distinction
60 to 69	Merit
50 to 59	Credit
40 to 49	Pass
Below 40	Fail

To obtain a Diploma with a given class of award, a student will be required to achieve three marks in or above the mark range, but the Examiners must also be satisfied that there is sufficient strength in the fourth paper.

A student registered for the Diploma in the Common Law may not transfer to the LLB or the Diploma in Law. A student who has been awarded the Diploma in the Common Law who applies to undertake the LLB will be given recognition of their completed award as per the credit transfer provisions of the LLB.

The minimum and maximum periods of registration, from a student's effective date of registration, are:

	Minimum (from effective date of registration)	Maximum (from effective date of registration)
Diploma in the Common Law	One year	Five years

Full details are in section 3 of the Detailed Regulations.

Entrance requirements

An applicant must satisfy the relevant entrance requirements given in this section. In order to be considered for registration as an External Student, they must also submit an application in accordance with the procedures and deadlines given in the appropriate prospectus.

An applicant must normally satisfy both the University of London general entrance requirements and the additional programme specific entrance requirements as follows:

Age

An applicant must normally be at least 17 years of age at the time of registration.

University of London general entrance requirements for degrees:

An applicant must have passes in

- **Either** two subjects at GCE A level, and at least three further subjects at GCSE or GCE O level (at not less than grade C or a pass if taken prior to 1975);
- **Or** three subjects at GCE A level (with one A Level at not less than grade D);
- **Or** three subjects at GCE A level, and two further subjects at GCSE or GCE O Level (at not less than grade C);
- **Or** two subjects at GCE A Level, and two further subjects at AS Level.

The University may, at its discretion, accept other qualifications in place of those above.

The prospectus gives details of the application process, alternative qualifications that may be accepted and English Proficiency tests.

Students with special needs should refer to section 12 of the Detailed Regulations.

Applicants are required to have English as their first language or must provide evidence that they have a sufficient level of proficiency in English (refer to the Prospectus for further details).

Programme specific entrance requirements

Access to the internet is a requirement for all students registered on the Diploma in the Common Law. Minimum computer requirements are provided in the Prospectus and Student handbook.

Educational aims and learning outcomes of the programmes

The Diploma in the Common Law is a flexible course aimed at those who wish to gain some knowledge and expertise in English common law to enhance their existing qualifications. The Diploma in the Common Law offers flexibility of subject choice for students who are eligible for admission to a Law degree but who do not wish to register for a full degree. Some knowledge of the common law is frequently essential when working in a civil law or common law jurisdiction and the Diploma in the Common Law will therefore enhance career prospects.

The Diploma in the Common Law aims to:

- Offer a programme of study that provides sound intellectual and practical grounding and some critical understanding of the core principles of the common law system and its principal institutions and procedures;
- Provide subject guidance informed by current research and scholarship and that engages students with contemporary legal and law reform debates;
- Enable students to develop intellectual and problem-solving skills in a limited range of legal settings;
- Provide study skills support that will also prepare students for further university-level study;
- Provide a sound grounding in legal research skills;
- Provide guidance in improving English language and English for Law abilities.

Learning outcomes of the programme

Subject specific - knowledge and understanding

On successful completion of the programme, students will have demonstrated:

- Knowledge of the major institutions and procedures of the English legal system and the ability to offer critical reflection on some of its instances;
- Depending on the options chosen, provide knowledge and critical understanding of the concepts, rules and principles of key elements of the law.

Subject specific – application and problem solving, sources and research

On successful completion of the programme, students will be able to:

- Recognise the relevant legal issues arising in factual situation of limited complexity and apply knowledge of common law to provide a reasoned solution supported by legal authority;
- Identify, locate and use primary and secondary legal sources relevant to specific topics;
- Identify and apply case and statute law relevant to identified legal issues;
- Conduct effective legal research at the level of accurate and up to date knowledge of law on specific topics.

General transferable intellectual skills

On successful completion of the programme, students should be able to:

- Collect and synthesise legal materials and use them in a coherent and focused manner;
- Recognise and rank issues and related facts in terms of their relevance;
- Effectively apply knowledge arising from different sources to analyse issues;
- Formulate and articulate an argument addressed to issues as specified, supporting it with relevant material;
- Recognise a variety of perspectives on particular problems and explain their basis.

Key skills

On successful completion of the programme, students should be able to:

- Access material from a variety of sources and be familiar with printed and web based sources of information to produce up-to-date information;
- Use the English language, particularly in relation to legal matters, in a coherent, focused, accurate and effective manner;
- Understand and employ correct legal terminology and concepts in scholarly recognised fashion.

Teaching, learning and assessment strategies

The University of London arranges a one-day induction course which introduces new students to studying for the Law programmes offered by the External System. Diploma in the Common Law students are welcome to attend, to help them understand the requirements of the programmes. *Studying English law with the University of London* - An introductory guide to the study of English common law- is available to all students who receive an offer letter.

The programme is taught using distributed learning materials. Subject guides are provided for each subject studied. These guides are intended to guide students through the subject as well as introduce the student to particular topics within the syllabus. They are written with distance learning principles in mind and complement the recommended textbooks. The guides show the student how to use textbooks in an organised and productive manner and gives guidance on answering sample examination questions. This is accompanied by a study pack which contains key recommended reading for each chapter of the subject guide.

Textbooks are provided for the Intermediate subjects and for some other subjects. It is emphasised that a student must purchase other recommended books and noted that throughout their studies the latest editions of textbooks are required. Students are also provided with *Learning skills for law* containing advice on study skills, developing English language and legal English skills, reading cases and statutes, guidance on examination technique and performing skills activities.

Computer marked formative assessments are available for many of the subjects studied. These are designed to allow students to check progress through a topic, assist in the learning process and help prepare for assessment. These are not, however, a formal requirement of the programme.

Other study materials provided include the Student Handbook which contains general advice on study techniques.

Students may enrol for tuition at a local institution. Although this is not a requirement of the programme, some students benefit from the extra academic support from a tutor in a group learning environment.

It is External System policy that there should be a preponderance of unseen written examinations in the assessment of programmes. This is to ensure security and reduce the possibility of plagiarism. In this Diploma each subject is assessed by unseen written examination and will consist of questions structured to allow students to demonstrate that they have acquired appropriate knowledge and understanding.

The compulsory subject *Common Law reasoning and institutions* requires students to use the online library and complete the online legal research exercises for this subject. Students are also expected to complete a research essay. Skills gained from both these elements will be directly assessed during the written examination.

The way that students answer the written examinations allows not only knowledge and understanding to be assessed but also the intellectual and transferable skills such as solving problems, evaluating ideas and organisational skills can be assessed.

Assessment criteria for the programme will indicate the level at which skills have been achieved.

Assessment methods

Each subject of the Diploma in the Common Law is assessed by one three-hour unseen written paper examination (plus 15 minutes reading time), which shall be completed without aids unless otherwise prescribed.

In all examinations, questions may be set on recent legislation and current proposals for law reform within the scope of the syllabus. Students will be expected to be familiar with developments in law occurring up to 15 February in the year of the examination.

The written paper examinations take place in late May/early June each year. Additional examination sessions are held in September and in late October/early November for students in certain situations.

Full details of the assessment and the scheme of award are in sections 4 and 5 of the Detailed Regulations.

Student support and guidance

The following summarises the support and guidance available to students:

Further information on support and guidance is in the student handbook.

- Extensive subject guides for each subject studied;
- Study pack which includes key readings;
- Textbooks are provided for Intermediate subjects and for some of the other subjects. Other textbooks must be bought;
- *Recent developments in Law* booklet sent in March of each year;
- Student handbook:
 - Programme section includes information about the resources available and how to access them and procedures for assessment and examinations. Handbooks also give study skills advice.
 - General Section gives information which is common to all programmes in the External System. It reflects the student life cycle and gives information about matters of importance from the start of a students' relationship with the External System through to their graduation. This section also puts the Regulations in context for the student.
- A University of London email account and web area for personal information management.
- Access to an online Law Library which provides access to a Law Report service and selected journals. A Law Librarian is available to assist students by email;
- Access to the Laws virtual learning environment which has a number of functions to aid your study of the law. These include University of London publications such as the subject guide, a monthly newsletter for many subjects, computer marked assessments for many subjects and online research exercises.
- University of London library - registered students may use the resources located within the Senate House library (for an additional fee).
- Regulations, containing full details of syllabuses, programme structure, assessment regulations, degree classification criteria, etc;
- Past examination papers and Examiners' commentaries which provide generic feedback from assessment.
- Online student-to-student network - which allows students to communicate with each other and provide mutual support.

At an extra cost: Diploma in the Common Law students may attend an appropriate course of instruction at an institution permitted to teach the Diploma by the University (refer to the Prospectus for details) Attendance at teaching institution is not compulsory for the Diploma in the Common Law.

Quality evaluation and enhancement

The External System is a partnership between the central University and individual Lead Colleges/ Consortia. Agreed systems are in place to assure the quality of the programme development, delivery, management, systematic monitoring and ongoing review and enhancement of all External programmes. The policies, partnerships and systems are defined within our key documents: The Quality Framework, the Quality Assurance Schedules, Guidelines for Examinations and Programme Regulations.

Refer to the External System, website for its Policies and Procedures in quality assurance.

Quality assurance arrangements are not static and enhancements will be made as necessary to ensure that systems remain effective and rigorous. For details on the current system-wide quality assurance procedures refer to:

http://www.londonexternal.ac.uk/quality/acad_inf/index.shtml

Parity of Award Standards

The central University Regulations state that “candidates granted degrees and other awards shall have attained the same academic standard irrespective of mode or place of study or examination”.

- Every programme of study is developed and approved by a Lead College, or Consortia, to the same standards and requirements as would be applied in the Lead College(s);
- Learning materials are written and examinations are set and marked by academic staff employed or chosen by the Lead Colleges, who are required to apply the University’s academic standards.

For further information please refer to: <http://www.londonexternal.ac.uk/quality/>

Review and Evaluation Mechanisms

- Annual programme reports are prepared in order to enhance individual programmes and to plan ahead;
- Periodic programme reviews are conducted on a 4-6 year cycle to review how a programme has developed over time and ensure that it remains current and up-to-date;
- Annual External Examiner reports are prepared by Independent External Examiners and confirm that a programme has been assessed properly and meets the appropriate academic standards;
- Thematic reviews report on specific issues to ensure that the External System is up-to-date in the light of developing knowledge and practice in the Higher Education sector;
- Data on student numbers, examination performance, completion rates and other statistics are reviewed annually and feed into all systematic reporting within the External System.

Student Feedback Mechanisms

- Annual Student Experience Surveys collect programme level feedback according to the student lifecycle and the stages reached by students in their learning. In addition some Lead Colleges schedule their own modular or unit level surveys;
- External System committees and sub-committees include student membership where appropriate. Some External programmes recruit their own student representatives at the programme level.

For further information on the External System governance structure, including Terms of Reference, Agendas and Papers, please refer to the ‘Committee Zone’ at:

http://www.londonexternal.ac.uk/quality/comte_zone/index.shtml

This Programme Specification is presented in support of our commitment to the nationally agreed reference points for assuring the quality and standards of higher education, known as the Academic Infrastructure. Further information can be found at:

<http://www.qaa.ac.uk/academicinfrastructure/default.asp>

Detailed Regulations

1 Structures of the programme

- 1.1 As indicated in the Programme Specification, the Diploma in the Common Law consists of:
- One compulsory subject - Common Law Reasoning and Institutions and
 - Three optional subjects, some of which have pre/co-requisites. Where a pre/co-requisite is indicated, a student must either have passed the requisite subject or be taking the requisite subject at the same time as the subject requiring that pre/co-requisite.
 - No more than three of the four subjects, including Common Law Reasoning and Institutions, can be from those with 'Intermediate subject' marked by them in the table below.
 - Where a student undertakes the programme over two or more years, Common Law Reasoning and Institutions must be taken in the first year.

Annex A and Annex B give the full structure and content.

For how to progress through the degree, see section 7.

Details are as follows:

One Compulsory Subject:	Pre/Co-Requisite:
Common Law Reasoning and Institutions (Intermediate Subject)	
Plus Three Optional Subjects chosen from the list below:	
Criminal Law (Intermediate Subject)	
Public Law (Intermediate Subject)	
Elements of the Law of Contract (Intermediate Subject)	
Law of Tort	
Law of Trusts	Land Law
Land Law	
Jurisprudence and Legal Theory	
Administrative Law	
Commercial Law	Elements of the Law of Contract
Company Law	Elements of the Law of Contract
Conflict of Laws	
Criminology	
EU Law	
Evidence	Criminal Law
Family Law	
History of English Law	
Intellectual Property	Elements of the Law of Contract
International Protection of Human Rights	
Introduction to Islamic Law	
Labour Law	Elements of the Law of Contract
Public International Law	
Succession	

- 1.2 No exemption or credit can be awarded in respect of any subject of the Diploma in the Common Law.
- 1.3 It is a student's responsibility to ensure that their choice of subjects complies with the regulations that are current for that year.
- 1.4 Availability of subjects may vary from year to year.
- 1.5 A student may apply to change their choice of a subject at any stage in their studies until they enter for the examination in the relevant subject. An application from a student who has entered for the examination in the subject concerned will not be considered until after the examination results for that session have been published.

Details on credits and exemptions are in section 2.

- 1.6 A student registered for the Diploma in the Common law may not transfer to the LLB or the Diploma in Law. A student who has completed the Diploma in the Common Law who applies to undertake the LLB will be given recognition of their completed award as per the credit transfer provisions of the LLB. Such a student will have their LLB course of study assessed on an individual basis.
- Full details are in section 11 of the Detailed Regulations.

Attendance requirements

- 1.7 A student undertaking the Diploma in the Common Law is not required to attend a full or part-time course of instruction, but may choose to do so.

2 Credit transfer and exemption for prior learning

- 2.1 The University reserves the right to review the credit transfer and exemption for prior learning policy in respect of the Diploma in the Common Law each year. These regulations, therefore, relate only to applications for the Diploma in the Common Law received within the period 1 September 2009 to 31 August 2010.
- 2.2 No exemption or credit can be awarded in respect of any subject of the Diploma in the Common Law.
- See Glossary for definition of 'credit' and 'exemption'.

3 Registration

Effective date of registration

- 3.1 For the Diploma in the Common Law, a student's effective date of registration will be 1 September in the year in which the student registers with the University of London.
- See Glossary for the definition of 'effective date of registration'.

Period of registration

- 3.2 As indicated in the Programme Specification, the maximum and minimum periods of registration from the student's effective date of registration will be:

	Minimum	Maximum
Diploma in the Common Law	one year	five years

- 3.3 No reduction in the minimum period of registration will be permitted.
- 3.4 A student who has not completed all the requirements of the Diploma in the Common Law within the maximum period of registration may apply to renew their registration for a further full five years, subject to programme availability.
- 3.5 Renewal of registration is at the discretion of the University which will take into account the progress made by the student during registration. If the student's application is approved, the registration will be subject to the Regulations that apply at the time of renewal and they will be required to pay the registration fee and any other fees applicable at that time.

Procedures for renewal of registration are in the student handbook.

Continuing registration

- 3.6 To maintain their registration with the University, a student must submit a continuing registration questionnaire annually with the appropriate continuing registration fee. Fees must be paid by 1 September (or by the date given in the continuing registration letter) in the year in which it is due.
- 3.7 A student's registration will lapse if the continuing registration fee is not paid. A student whose registration has lapsed will not receive new study materials, be allowed to use the VLE or the online library, or be allowed to attempt an examination.
- The continuing registration procedure is sent out annually to students.

- 3.8 A student who wishes to reinstate a lapsed registration may, at the discretion of the University, either:
- pay all outstanding continuing registration fees and complete the continuing registration form and receive the remaining period of registration, or
 - cancel their registration, pay a new registration fee and receive a new maximum period of registration.
- 3.9 At its discretion, the University may decide on which of these options a student must take if they wish to continue their studies. In either case, the results of all previous examinations will remain valid.

Cancellation of registration

- 3.10 A student may cancel their registration at any time. Fees will not be refunded except in exceptional circumstances.

Section 10 gives refund information.

Registration of former students of the University

- 3.11 In addition to satisfying the entrance requirements given in the programme specification, an applicant who was previously either registered as an External Student or enrolled at a College of the University of London must have made satisfactory payment to the University or College of all due fees and accounts. An applicant who fails to satisfy this condition will **not** be permitted to register, or to register again, as an External Student.
- 3.12 An applicant who has previously received an award of the University of London, or whose registration with the University was terminated because they had exhausted the permitted number of attempts at an examination, may apply to register again as an External Student for a programme of study in a different subject or field of study.
- 3.13 An applicant who has previously received an award of the University of London, or whose registration with the University was terminated because they had exhausted the permitted number of attempts at an examination, may apply to register again for a programme of study in the same subject or field of study. All applications will be considered on an individual basis. Applications will only normally be considered after a period of at least four years has passed since the student graduated or his or her registration was terminated. Permission to register in these circumstances will be given at the discretion of the University and will be subject to any further conditions specified in this Programme Specification and Regulations booklet or by the University.
- 3.14 A student who is permitted to register again will be required to pay a new registration fee. The student will receive a new maximum period of registration.

4 Assessment for the programme

- 4.1 A student sitting an examination must comply with the rules given in the Notice to Candidates, which accompanies the Admission Notice in addition to those given in this section.

Assessment methods

- 4.2 As indicated in the Programme Specification each subject will be examined by one three-hour unseen written paper (plus 15 minutes reading time), which shall be completed without aids unless otherwise prescribed.

See Glossary for the definition of 'examination' and 'written paper examination.'

For Common Law Reasoning and Institutions students are required to use the online library, complete the online legal research exercises, and write a short research essay in addition to taking the written paper examination.

- 4.3 All examinations will be based on the syllabuses that are current for the year of the examination concerned. A student must ensure that they have studied the correct syllabuses.
- 4.4 An examination is governed by the regulations in force at the time of the examination and not at the time that a student was initially registered or first attempted the examination concerned, except where the conditions for changing regulations with notice apply.
- 4.5 Where necessary, Examiners may change the format or rubric of a written paper examination, from that of the previous year, without giving prior notice to the students.
- 4.6 Examinations by written paper are held at established examination centres worldwide. In countries where there is an established examination centre, a student must use the facilities provided by that centre. The University will not establish an alternative centre in those countries.
- 4.7 All examinations are held at the discretion of the examination centre and are subject to any conditions they may impose.

See the Introduction to this booklet for information on changing regulations.

See website for the list of exam centres – www.londonexternal.ac.uk/exams

Date of examinations

- 4.8 Written paper examinations for the Diploma in the Common Law take place in late May/early June each year.

Additional examination sessions are available to the following students (see also paragraphs 4.11 to 4.12):

- students who have been referred or re-referred in the May/June examinations (see paragraphs 4.11 and 4.12)
- students who have been given permission by the Board of Examiners in the May/June examinations to re-sit the examination (see paragraphs 4.11 and 4.12)
- exceptionally, students who were unable to take the examination in late May/early June due to sudden illness, bereavement or for reasons of employment. Permission to enter is considered on an individual basis and is at the discretion of the University (see paragraphs 4.11 and 4.12)

These additional examination sessions will take place in London, Cork and Dublin in September each year, and other established centres worldwide in late October/early November each year.

Questions may be set on recent legislation and current proposals for law reform within the scope of the syllabus. Students will be expected to be familiar with developments in the law occurring up to 15 February in the year of the examination.

- 4.9 At any examination session, all students will be examined by the same written paper examination, on the same date, at the same time except where there are unavoidable delays in the arrangement. The University reserves the right to set different papers in the same subject in separate countries and in different time zones.
- 4.10 Where delays are unavoidable in countries other than the United Kingdom, the overseas examination centre will arrange for the relevant examinations to be taken with as little deviation as possible from the original dates and times assigned to them. A student must abide by these revised arrangements. The University reserves the right not to mark an examination taken at a different time from that prescribed.

Examinations in September

- 4.11 A re-sit examination is held each year in September for students who, in the opinion of the Examiners, failed the examination in May by only a narrow margin. These re-sit examinations are held in London, Cork or Dublin only for students who took the May examinations in the United Kingdom or in the Republic of Ireland. Permission to enter is limited and is at the discretion of the University. A student who has been referred or re-referred in a paper at the May examination may sit this paper in September if he or she wishes, or wait until the following May.
- 4.12 Exceptionally, students who have not sat an examination in May may apply to sit these examinations in September. These examinations are held in London, Cork or Dublin only for students in the United Kingdom or in the Republic of Ireland. Permission to enter is limited and is at the discretion of the University. Permission to do so may be given in circumstances such as sudden illness, bereavement or for reasons of employment. Any application for permission to sit in September must be accompanied by written documentation such as a medical certificate or a letter from an employer. Under no circumstances will permission be given on the grounds of conflicting examination dates for other qualifications.
- 4.13 Re-sit examinations that take place in September are governed by the previous academic year's Regulations.

Examinations in late October/early November

- 4.14 Where the Examiners have been able to determine the results for the overseas students concerned in sufficient time a full re-sit examination will be held in late October/early November each year. This examination is open only to students who sat the May examination in a country outside the United Kingdom or the Republic of Ireland and were referred or, in the opinion of the Examiners, failed the examination by a narrow margin. The examination will be held only in those countries where the Overseas Examination Centre is prepared to conduct it; and it is possible that only one centre in each country will be designated for this purpose. Permission to enter is limited and is at the discretion of the University. A student who has been referred or re-referred in a paper at the May examination may sit this paper in October/November if he or she wishes, or wait until the following May.
- 4.15 Exceptionally, students who have not sat the examination in May may apply to sit these examinations in October/November. Permission to do so is limited and is at the discretion of the University. Permission to enter will be given only rarely and only in circumstances such as sudden illness, bereavement or for reasons of employment. Any application for permission to sit in October/November must be accompanied by written documentation such as a medical certificate or a letter from an employer. Under no circumstances will permission be given on the grounds of conflicting examination dates for other qualifications. The examination will be held only in those countries where the Overseas Examination Centre is prepared to conduct it; and it is possible that only one centre in each country will be designated for this purpose.
- 4.16 Re-sit examinations that take place in late October/early November are governed by the previous academic year's Regulations.

Sitting examinations

- 4.17 A student who wishes to sit an examination in any given year must:
- have registered with the University as an External Student for the programme **and**
 - have entered for the examination in accordance with the University's and the appropriate examination centre's instructions and deadlines **and**
 - have an effective date of registration on or before 1 September in the previous year.
- 4.18 A student is required to apply to the relevant examination centre for permission to sit the examination. The University cannot accept responsibility for making

The full examination entry procedure is in the student handbook.

examination arrangements on behalf of a student. It is entirely at the discretion of the examination centre to accept or refuse an entry to an examination.

- 4.19 A fee is normally charged by all examination centres except for London. This fee is payable by a student each time they make an examination entry. The University is not responsible for this fee and cannot influence the level of fee charged.
- 4.20 A student must write the answers to all examinations in English.
- 4.21 The University reserves the right to require a student sitting a written paper examination to remain in the examination room or its precincts for the duration of the relevant examination.
- 4.22 All examination scripts are the property of the University and will not be returned to students. All question papers will be retained by the University.

Materials and aids permitted within the examination room

- 4.23 Examinations must be completed without aids unless indicated otherwise under the individual syllabuses. Statutes and other materials may be brought into the examination room for examinations in accordance with the rules given in Annex B.
- A definitive list of materials permitted in the examination room will also be sent to a student who has entered an examination with the admission notice/timetable.
- 4.24 It is an examination offence to take into, or use in, the examination room any unauthorised materials or aids. A student must not take into the examination room, or consult during the examination, any books, notes, instruments or other materials or aids that are not permitted. All such materials or aids must be given to the Invigilator before the examination starts. A student who takes any unauthorised materials or aids into the examination room must hand them to the Invigilator on request.

Aids permitted in examinations are noted under the syllabuses in Annex B.

See section 6 for Assessment offences and penalties.

Illness during examinations

- 4.25 A student who thinks that illness or other circumstances may have affected their performance in an examination must immediately inform the Student Assessment Office ensuring that notification is received within three weeks of their last examination. A supporting medical certificate or other certification obtained at the time of illness must be provided at the same time. Notification received more than three weeks after the date of the last examination will not be taken into account.

Contact details for the Student Assessment Office are in the student handbook.

Recheck of marks

- 4.26 A student may apply to the University for their marks to be rechecked if they think there may have been an administrative error or that the examination may not have been conducted in accordance with the relevant instructions and/or Regulations.
- 4.27 A student who wishes to apply for a recheck of marks must do so within one month of the publication of their examination results, and must pay an administrative fee (refundable if an error is found). An application for a recheck must state the reasons why it is being requested and must provide evidence to support it.
- 4.28 The University will not consider appeals against examination results that are made on academic grounds.

Details of how to apply for a recheck of marks are in the student handbook.

5 Number of attempts permitted at an examination

- 5.1 A student who fails to satisfy the Examiners in an examination, and who has yet to satisfy the conditions to be considered for the respective award, may be permitted or required to resit the examination up to a maximum number of attempts. The maximum number of attempts permitted at any examination of the Diploma in the Common Law is four.
- 5.2 A student who has failed one subject twice may change to another subject within the five year period
- 5.3 A student who enters an examination hall to attempt a written paper examination will be considered to have made an examination attempt. Absence from an examination will not count as an attempt.
- 5.4 A student who receives a result of 'Pass', 'Fail' or 'Retired' at any examination will be considered to have made an attempt.
- 5.5 A student may not make a further attempt at any examination already passed.
- 5.6 The mark awarded for a second, third or fourth attempt at a subject will supersede any previously awarded mark or grade for that examination.
- 5.7 If, on the fourth occasion that a student takes an examination, he or she receives the result 'Retired' or 'Fail', his or her registration for the Diploma in the Common Law will cease. A 'Retired' student is one who has entered the examination room for at least part of one paper of the examination, but who has not completed the papers being taken on that occasion.

6 Assessment offences and penalties

- 6.1 It is an examination offence to take into, or use in, the examination room any unauthorised materials or aids. A student must not take into the examination room, or consult during the examination, any books, notes, instruments or other materials or aids that are not permitted. All such materials or aids must be deposited with the Invigilator before the examination starts. A student who takes any unauthorised materials or aids into the examination room must surrender them to the Invigilator on request.
- 6.2 A student must not pass any information between themselves and another student during an examination of a written paper. A student may not act in collusion with another student or any other person, nor copy from another student, nor engage in any similar activity. Any of these activities constitutes an examination offence.
- 6.3 Plagiarism is the presentation of another person's thoughts or words as if they were the student's own: for example, copying from text books and other sources (including the Internet) without due acknowledgement that the passages quoted are copied and without giving the source of those passages. Plagiarism is an examination offence.
- 6.4 All work submitted as part of the requirements for any examination must therefore be expressed in the student's own words and incorporate their own ideas and judgements.
- 6.5 Direct quotations from the published or unpublished work of another person must always be clearly identified as such and a full reference to the source must be provided in the proper form. A series of short quotations from several different sources, if not clearly identified as such, constitutes plagiarism in the same way as an unacknowledged quotation from a single source. Equally, if another person's ideas or judgements are summarised, the student must refer to that person in the text and give details of the work to which reference is made.
- 6.6 It is an examination offence to submit work which has been written jointly by two or more persons, unless expressly permitted by the provisions in section 4 of this booklet.

For further rules on materials and aids permitted in the examination, see section 4.

Fuller details on assessment offences and how to avoid them are in the student handbook.

See 6.5 for more on quoting from other sources.

- 6.7 Assignments, essays, projects, reports, dissertations and other similar work must therefore be the student's own work and must be written without the assistance of other people, except where expressly permitted in section 4 of this booklet. A student will be required to submit a signed declaration for all such work submitted, stating that they understand what is meant by plagiarism, and confirming that the work submitted is entirely their own and that the use of published or unpublished works of other people has been acknowledged in accordance with the University's requirements.
- 6.8 It is the responsibility of the student to safeguard their assignments, essays, projects, reports, dissertations and other similar work and to prevent them from being copied by other students.
- 6.9 The examination offences listed above will be treated as cheating or irregularities of a similar character under the provisions of the Procedures for the Consideration of Allegations of Examination Offence of the University's Regulations (Regulation 1 Annex 6 and, as appropriate, Annex 7). Under these Regulations, students found to have committed an offence may have the results of their examinations withheld and may be excluded from all future examinations of the University.

For the University's Regulations, see www.london.ac.uk

7 Progression within the programme

- 7.1 Within the limits given below a student may decide when they are examined, the number of subjects attempted each year and the order in which units are examined. A student does not have to be examined every year.
- 7.2 A pass mark obtained in any of the subjects examined will be carried forward into subsequent years and will contribute to the final award.
- 7.3 In any one year a student may attempt examinations in a minimum of one and a maximum of four subjects, excluding re-sits. A student may decide the order in which they attempt the assessment for each subject, and also the number of subjects they will take on each occasion, subject to the pre- and co-requisite rules stipulated in Section 1.
- 7.4 Students who are taking the programme over two or more years must take Common Law Reasoning and Institutions in the first year.

See section 4 for method of assessment.

8 Schemes of award

8.1 **Diploma in the Common Law**

As indicated in the Programme Specification, the Diploma in the Common Law is awarded according to the following classes:

Mark range	Class
70 and over	Distinction
60 to 69	Merit
50 to 59	Credit
40 to 49	Pass
Below 40	Fail

See Annex D for information on how to achieve a particular mark.

To obtain the Diploma in the Common Law, students are required to pass the examination in all four subjects, including Common Law Reasoning and Institutions. All papers are weighted equally.

A student who has failed one subject twice or two subjects once will be eligible for a Pass grade only

To obtain a Diploma in the Common Law with a given class a student will be required to achieve three marks in or above that mark range, but the Examiners must also be satisfied that there is sufficient strength in the fourth paper.

The Diploma in the Common Law is the equivalent to one year's degree study at Level 4.

Parity of standards

- 8.2 The standard of a University of London award is the same whether it is obtained by an External Student or by a student who has been registered with a College of the University. The University's Regulations (which govern all University of London awards) state that "*candidates granted degrees and other awards shall have attained the same academic standard irrespective of mode or place of study or examination*".

9 Receiving the final diploma and Diploma Supplement

Final diploma and Diploma Supplement

- 9.1 A final diploma under the seal of the University will be delivered to each successful student who is granted the Diploma in the Common Law. The date of the award will be as follows:

For May/June examinations:	Date of award 1st August
For September re-sits:	Date of award 30th September
For October/November re-sits:	Date of award 30th November

- 9.2 A Diploma Supplement, which is a detailed record of a student's studies, will also be sent to each successful student.

Eligibility for an award

- 9.3 To be eligible for an award of the University, an External Student must have:
- registered with the University as an External Student for the relevant programme of study **and**
 - satisfied the requirements for the relevant award and complied with the regulations for the programme concerned in all respects **and**
 - made satisfactory payment to the University of all due fees and accounts.

The University reserves the right not to grant the award to a student who fails to satisfy any of these conditions.

10 Fees and refunds

Fees

- 10.1 A student is required to pay the following fees for the programme in full and in accordance with the University's deadlines:
- an application handling fee - payable by all applicants in order to be considered for registration
 - registration fee - payable in order to be registered with the University as an External Student
 - continuing registration fee - to maintain registration in the second and subsequent years of registration
 - examination entry fee - in order to be entered for an examination
 - Registration supplement – in order to be registered for the following subjects: Company Law, Law of Tort, Land Law, Law of Trusts
- 10.2 The University reserves the right to change its published fees. The University also reserves the right to make additional charges. Fees are subject to annual revision.
- 10.3 Fees must be paid in accordance with the University's procedures and deadlines given in the prospectus and student handbook.

Details of the fees payable will be given to students as they fall due. See also www.londonexternal.ac.uk

A fee is also normally payable to all examination centres other than London. The University is not responsible for this fee and cannot influence the level of fee charged.

- 10.4 A student who is permitted to transfer their registration to another programme of study shall be required to pay the relevant fees for the programme concerned. Any additional fee payable shall be at the discretion of the University. Any refund of fees already paid will be subject to the conditions set out below.
- 10.5 A student who is permitted to cancel their registration and register afresh for another programme of study will be required to pay the relevant fees for that programme. Any refund of fees will be subject to the usual refund policy. See paragraphs 10.7-10.8 for refunds.
- 10.6 A student who is permitted to renew their registration when the first period of registration expires will be required to pay a further full registration fee. If the programme of study is being phased out, the registration fee will be a proportion of the full registration fee, depending on the number of years remaining before the last examination for the programme concerned. In addition to the registration fee, all students will be required to pay, as applicable, the appropriate continuing registration fee, under the Regulations in force at that time.

Refunds

- 10.7 Application handling fees and examination entry fees are not refundable. Examination entry fees cannot be transferred from one examination to another.
- 10.8 Registration and continuing registration fees will not be refunded unless a student dies or is prevented from pursuing their studies through a disabling illness or that of a near relative for whose care the student is responsible. A proportion of the registration and any continuing registration fees which have been paid will be refunded at the discretion of the University provided that:
- the application is made within two years of the effective date of registration
 - the student has not already entered an examination
 - such medical or other evidence as may be required is submitted.

11 Transfer of registration

- 11.1 Where permitted, all applications to transfer will be considered on an individual basis. Permission to transfer, any additional fee payable and any period of transferred registration granted will be at the discretion of the University. Any refund of fees shall be subject to the conditions in section 10. This section applies both to transfer between different programmes and within the same programme, unless indicated otherwise.
- 11.2 An application to transfer which is submitted after a student has entered for any examination will not be considered until after the result of that examination has been published. The result of that examination will then be taken into account by the University in instances when permission to transfer is dependent on the student's examination record. Details of how to apply to transfer are in the student handbook.
- 11.3 In certain circumstances, a student who transfers their registration may receive credit for subjects already passed. See also section 2.
- 11.4 A student who receives credit from certain subjects on the basis of subjects previously passed will not be permitted to re-enter the examination for those subjects. The marks obtained at the examinations at which the subjects were passed will contribute towards the student's award as appropriate. See section 8 for the scheme of award.
- 11.5 A student who is not permitted to transfer to a particular programme but who wishes to join that programme must cancel their existing registration and apply to register afresh. The student must already satisfy the entrance requirements for the programme. A student who registers afresh in this way will not be permitted to carry credit for any subjects previously passed either to the programme concerned, or, in the event of a subsequent transfer, to another programme. They will also not be permitted to carry any failed attempts at subjects from their previous registration.

Transfer to other programmes at Levels 4, 5 and 6 of the FHEQ

- 11.6 A student registered for the Diploma in the Common Law may apply to transfer their registration to another programme of study at the same or similar level. See Glossary for definition of FHEQ.

The student will be required to satisfy the entrance requirements and any transfer regulations for the programme to which they wish to transfer. A student may be required to cancel their registration and register afresh.

Transfers to programmes at Level 7 of the FHEQ

See Glossary for definition of FHEQ.

- 11.7 A student registered for the Diploma in the Common Law is not permitted to transfer their registration to a programme at Level 7 of the FHEQ. A student will instead be required to cancel their existing registration and to submit a fresh application for registration and comply with the Regulations for the programme concerned.

12 Students with special needs

- 12.1 The University has a policy for External Students with a disability and/or special needs.
- 12.2 As part of its policy, the University will make every reasonable effort to accommodate the requirements of a student with a disability and/or special needs by, wherever possible, providing any study materials in a different format (e.g. large print) or another medium, and/or by making special examination arrangements. If the University is unable to provide the study materials in the format which has been requested, the University will endeavour to make an alternative suggestion.

More details are in the student handbook.

Special examination arrangements

- 12.3 The University has a Panel which considers special examination arrangements for students with a disability and/or special needs. The aim of the Panel is to make sure that a student with a disability and/or special needs is neither disadvantaged nor advantaged when compared to other students. The University cannot guarantee that special examination arrangements will be possible in every case.
- 12.4 Applications from students with a disability and/or special needs may be considered for the use of special aids or for extra time in written paper examinations.
- 12.5 Special arrangements for written paper examinations at an ad hoc centre may be made in very exceptional circumstances and then only in the United Kingdom. Arrangements cannot be made for oral or practical examinations to be held at an ad hoc centre, although in exceptional cases it may be possible to permit the use of special aids. Arrangements for written paper examinations to take place in a student's home are not made. Additional fees may be payable for arrangements at an ad hoc centre.
- 12.6 A student who finds handwriting difficult due to medical or learning difficulties must apply to the University for special arrangements to be made. The University will not transcribe illegible scripts. Any script deemed illegible by the Board of Examiners will be assigned a mark of zero and a fail result will be given. This will count as an examination attempt.

To apply for special examination arrangements, contact specialneeds@london.ac.uk

13 Complaints, suspension and termination of registration

Complaints

- 13.1 If a student has a complaint against the University they should follow the *Procedure for External Student complaints*.

More details are in the student handbook.

Suspension and termination of registration by the University

- 13.2 If a student fails to pay the appropriate fees or breaches any relevant disciplinary or conduct code, the University reserves the right to apply the *Code of Student Discipline* and *Suspension and Termination of Registration of Students in Debt* process as described in the University of London Ordinances (Ordinance 17 and 18 respectively).

Annex A Structure

Diploma in the Common Law

One compulsory subject:

Common Law Reasoning and Institutions (Intermediate Subject)

Plus three optional subjects from the following list:

Criminal Law (Intermediate Subject)
Public Law (Intermediate Subject)
Elements of the Law of Contract (Intermediate Subject)
Law of Tort
Law of Trusts (pre/co-requisite Land Law)
Land Law
Jurisprudence and Legal Theory
Administrative Law
Commercial Law (pre/co-requisite Elements of the Law of Contract)
Company Law (pre/co-requisite Elements of the Law of Contract)
Conflict of Laws
Criminology
EU Law
Evidence (pre/co-requisite Criminal Law)
Family Law
History of English Law
Intellectual Property (pre/co-requisite Elements of the Law of Contract)
International Protection of Human Rights
Introduction to Islamic Law
Labour Law (pre/co-requisite Elements of the Law of Contract)
Public International Law
Succession

Notes:

- Where a pre/co-requisite is indicated, a student must either have passed the requisite subject or be taking the requisite subject at the same time as the subject requiring that pre/co-requisite
- No more than three of the four subjects, including Common Law Reasoning and Institutions, can be from those with 'Intermediate subject' marked by them
- Where a student undertakes the programme over two or more years, Common Law Reasoning and Institutions must be taken in the first year

Annex B Syllabuses

Statutes and other documents

The University will not provide statutes or other documents in the examination room. Students will, however, be permitted to bring into the examination room the statutes and other materials listed in the subject syllabuses. Students are permitted to use any edition of the permitted statutes, although they are strongly advised to use the most recent one.

Where statutes or statutory instruments are listed at the end of individual syllabuses this means a 'Queen's Printer' copy of the statute or statutory instrument *or* a photocopy of a 'Queen's Printer' copy *or* a 'Print' (PDF) copy (but not a 'Web' (HTML) copy) downloaded from the Office of Public Sector Information website *and* a 'Queen's Printer' copy of any later statute amending or repealing those statutes. 'Queen's Printer' copies must be of the full original statute or statutory instrument and not of the statute or statutory instrument as reprinted in a case book or statute book.

Students may underline and/or highlight passages with a coloured pen in the materials, but all other forms of personal annotation on statutes and other materials permitted to be taken into the examination room are strictly forbidden. Students may highlight different passages with different coloured pens. **Students are forbidden to attach self-adhesive notelets or index tags or any other paper to the pages of statute books or other permitted materials.**

The details of statutes and other documents given in this Schedule are subject to revision by the Board of Examiners and will be superseded by the consolidated list of statutes and other materials which will be circulated to students with the timetable.

Students must comply with the rules governing the use of these materials given in Section 4 of the Detailed Regulations.

Syllabuses

Details of individual syllabuses may change from year to year. Examinations in any given year are governed by the Regulations and syllabuses for that year. Students are therefore strongly advised to consult the current version of the subject syllabus.

Where minor changes have been made to a syllabus this is indicated by the sub-heading '*Amended syllabus*'. Where changes have been made only to the materials permitted in the examination room, this is indicated by the sub-heading '*Amended materials*'.

Students are advised to refer to the learning outcomes provided in the subject guides.

The examination codes are appended to the subject titles and these codes should be used when completing examination entry forms.

Common law reasoning and institutions [2650031]

- (a) The nature of the common law tradition
- (b) Sources of law and principles of legal research
- (c) Conduct of legal research and retrieval of legal information, with particular reference to the use of the London online library and web based resources
- (d) The role and operation of courts
- (e) Judicial reasoning in relation to (a) cases, and (b) statutes
- (f) The judiciary and magistracy
- (g) The criminal justice process (in outline) and the role of rights in the process with particular attention to the jury and the impact of the Human Rights Act.
- (h) The civil justice process (in outline) with particular attention to reform
- (i) Legal services and access to justice with particular attention to the legal profession and legal aid.

Students are required to use the online library and complete the online legal research exercises, and write a short research essay on **one** of the approved titles for the academic year in which they sit the examination. The approved essay titles for 2009-10 will be placed on the VLE. The research essay must be submitted electronically via the VLE by **1 May** in the academic year in which the subject is being taken.

The assessment of this subject by an unseen written paper will consist of two parts, with the first part (Part A) being a compulsory question on legal research. Students must pay close attention to the relevant chapters in the subject guide, study pack and the learning objectives therein. The compulsory question may contain short questions based on the exercises on legal research, citation of legal information, and library use as well as more substantial questions on the research essay that students are expected to complete.

Administrative law [2660008]

- (a) The nature and scope of administrative law.
- (b) The legal status and powers of administrative authorities; the Crown; ministers; civil service including executive agencies; local authorities; regulatory agencies; other public authorities, e.g. the National Health Service.
- (c) Processes in public administration: legislation and delegated legislation; discretion; rule-making; policies; adjudication; consultation. Allocation of functions.
- (d) Procedures and remedies of judicial review of administrative action under section 31 Supreme Court Act 1981 and RSC Order 53.
- (e) The grounds upon which judicial review may be obtained including illegality, procedural impropriety, irrationality and legitimate expectation. Exclusion of judicial review.
- (f) "Ombudsmen": the Parliamentary Commissioner for Administration; the Health Service Commissioner; the Local Commissioners for Administration.
- (g) Tribunals. The function, constitution and procedure of tribunals. The Council on Tribunals.
- (h) Inquiries: the origin and function of inquiries; public local inquiries in relation to land-use control; other types of inquiries.
- (i) Contract and tort liabilities and duties of public bodies. Estoppel. Restitution. Crown Proceedings Act 1947.
- (j) The impact of the European Convention of Human Rights on the development of English administrative law.
- (k) The impact of EC general principles of law on English Administrative law, especially procedural fairness, legitimate expectations, proportionality and fundamental human rights.

Commercial law [2660017]

- (a) **Agency**
 - define the term 'agent'
 - explain how an agency is created
 - discuss the scope of the agent's authority
 - explain the rights and obligations owed by the principal and by the agent to the third party
 - explain the rights and obligations owed by the third party to the principal and to the agent
- (b) **Sale of goods**
 - discuss the approach taken to interpretation of the Sale of Goods Act 1979
 - analyse the components of the definition of a contract of sale
 - explain the circumstances in which property in goods is passed
 - identify how risk is passed
 - understand the *nemo dat* rule

- discuss and illustrate the exceptions to *nemo dat* rule
- explain the duties of the seller to deliver and the buyer to accept goods
- discuss the implied terms in ss.12–15 of the Sale of Goods Act 1979
- discuss the relationship between the different implied terms
- outline the limits imposed on attempts by the seller to exclude or restrict liability for breach of the implied terms
- understand and discuss the rules on acceptance
- explain the remedies available to the buyer and the seller where there is a breach of the sale contract
- explain the use of retention of title clauses and the limits of such clauses.
- (c) **International sale contracts**
 - identify the key characteristics of cif and fob contracts
 - analyse the distinctions between cif and fob contracts
 - discuss the duties of the seller and buyer under cif and fob contracts
 - explain the remedies available to the seller and buyer under cif and fob contracts
 - understand the general issues involved in the use of electronic documentation and the effect of international agreements on the terms of international sale contracts.
- (d) **Payment**
 - define and identify the characteristic features of a documentary credit
 - explain the significance of the Uniform Customs and Practice for Documentary Credits (UCP)
 - identify the different types of documentary credit
 - explain the steps involved in the opening of a credit
 - analyse the various contractual relationships
 - discuss the strict compliance and autonomy of the credit rules
 - explain the rights and obligations of the parties.

Students are permitted to bring into the examination room the following specified documents: one copy of each of the following: *Factors Act 1889*; *Misrepresentation Act 1967*; *Supply of Goods (Implied Terms) Act 1973*; *Unfair Contract Terms Act 1977*; *Sale of Goods Act 1979*; *Supply of Goods and Services Act 1982*; *Consumer Protection Act 1987*; *Sale and Supply of Goods Act 1994*; *Sale of Goods (Amendment) Act 1995* and one copy of *Blackstone's Statutes on Commercial & Consumer Law (OUP)*.

Company law [2660021]

- (a) *The nature of legal personality and lifting the veil of incorporation.* Incidents of corporate personality; differences between incorporated and unincorporated associations. The rule in *Salomon v Salomon & Co Ltd* and its development.
- (b) *The formation of the company.* The memorandum and articles of association. Pre-incorporation contracts. The duties and liabilities of promoters. The requirements for prospectuses and listing particulars and liabilities for defective prospectuses and listing particulars. Different types of companies.
- (c) *The relations between the company and outsiders.* The growth and decline of the doctrines of ultra vires and constructive notice; the Turquand rule and the application of principles of agency. The commission of crimes and torts by the company. Vicarious liability and the *Alter Ego* doctrine.
- (d) *The relations between the company and its members and among the members inter se.* The nature of and principles governing the contract between the company and its members. Different capacities of members and the relations between one member and another. Alteration of the contract and remedies for breach.
- (e) *Management of the company.* Directors and other officers. Appointment, retirement, dismissal, disqualification. Meetings, voting, resolutions. Division of functions among officers and organs of the company
- (f) *Directors' duties and the protection of Minority Shareholders.* Statutory duties of directors - including criminalisation of insider trading - and their enforcement. Common law duties of directors (fiduciary duties and duty of care and skill) and their enforcement. The rule in *Foss v Harbottle*. Statutory remedies for the protection of minority shareholders. Company disclosure and investigations by the Department of Trade and Industry.
- (g) *Corporate Governance.* Corporate accountability (stakeholder v shareholder issues), The corporate governance committees (*Cadbury, Greenbury, Hampel, Turnbull*). The Government responses (*Higgs and the Company Law Review Steering Group*).
- (h) *Shares and Debentures.* Differences between shares and debentures. Registration. Different classes of shares. Rights of different classes and the variation of share rights.
- (i) *Capital.* Raising, maintaining and reducing the capital of the company. Discounts, premiums, payment of dividends and purchase by the company of its shares. Financial assistance for the purchase of its shares.

- (j) *Winding-up.* Types of winding-up; the powers and duties of the liquidator.

Students are permitted to bring into the examination room **two** of the following (this could include two editions of the same publication): *Blackstone's Statutes on Company Law* (OUP) **or** *British Companies Legislation* (Sweet & Maxwell) **or** *Core Statutes on Company Law* (Palgrave Macmillan) **and** one copy of each of the following: *Companies Act 1985*; *Business Names Act 1985*; *Companies Consolidation (Consequential Provisions) Act 1985* (S.I. 1985 No. 805); *Insolvency Act 1986*; *Company Directors Disqualification Act 1986*; *Financial Services Act 1986*; *Companies Act 1989*; *Companies (Single Member Private Limited Companies)*; *Financial Services and Markets Act 2000*; *Regulations 1992* (SI 1992 No. 1699); *Criminal Justice Act 1993*; *Insolvency Act 1994*; *Insolvency (No 2) Act 1994*.; *Public Offers Of Securities Regulations 1995* (S.I. 1995 No. 1537).

Conflict of laws [2670014]

The nature of private international law
Fundamental conceptions: classification; *renvoi*; public policy; evasion of the law; the incidental question; time factor.
Connecting factors, in particular domicile and habitual residence; comparison with nationality. The rules relating to the jurisdiction of English courts in cases involving a foreign element. Staying foreign actions: the *forum non conveniens* doctrine.
The principles of English private international law relating to the following matters:
Persons: status and capacity; corporations.
The family: validity and effects of marriage: divorce: nullity of marriage: maintenance obligations: legitimacy.
Contracts: form; interpretation; illegality; discharge.
Torts.
Property: movables and immovables; transfer of tangible and intangible property. Intestacy; wills; administration of estates; Trusts.
Procedure and evidence: proof of foreign law: recognition and enforcement of foreign judgements and decrees.
[Note: The syllabus does not include bankruptcy, negotiable instruments, the equitable doctrines of election, satisfaction and performance.]

Students are permitted to bring into the examination room the following specified document: one copy of each of the following: *Civil Jurisdiction and Judgements Act 1982*; *Family Law Act 1986*; *Contracts (Applicable Law) Act 1990*; *Civil Jurisdiction and Judgements Act 1991*; *Private International Law (Miscellaneous Provisions) Act 1995* **and** one copy (**or** photocopy) of the Official Journal of the European Community of the *Council Regulation (EC) No. 44/2001 of 22 December 2000 on*

Criminal law [2650010]

Aims: To develop a sound understanding of the general principles of criminal liability and an ability to critically analyse the rules of substantive criminal law.

Objectives: On completion of this course, students should have an awareness of the principles of criminal law, a sound working knowledge of the main criminal offences and defences and the factors affecting criminal liability. Students will be expected to demonstrate knowledge, understanding and an ability to apply the rules which make up the criminal law to problem situations of some legal complexity. In addition, they will be expected to show that they are able to express their considered views on whether the aims and objectives of the criminal law are appropriate in a modern legal system.

1. Introduction to criminal liability

(a) General principles of actus reus and mens rea;

(b) Structure of criminal liability

2. Homicide and 'special' defences

(a) Murder

(i) Elements of the offence of murder

(ii) Defences of:-

provocation – section 3 Homicide Act 1957;

and

diminished responsibility – Section 2 Homicide Act 1957

(b) Manslaughter

(i) Constructive manslaughter;

(ii) Gross negligence manslaughter

(iii) Reckless manslaughter

3. Non-fatal offences against the person

(a) Assault and battery

(b) Assault occasioning actual bodily harm contrary to section 47 Offences Against the Person Act 1861 (OAPA 1861)

(c) Malicious wounding contrary to section 20 OAPA 1861

(d) Wounding with intent contrary to section 18 OAPA 1861

(e) Racially aggravated assaults contrary to section 28 Crime and Disorder Act 1998

4. Sexual offences and the issue of consent as it relates to those offences

(a) Rape contrary to section 1 Sexual Offences Act 2003 (SOA 2003)

(b) Assault by penetration contrary to section 2 SOA 2003

(c) Consent Sections 74, 75 and 76 SOA 2003

5. Defences

(a) 'Defences' of lack of mens rea

(i) Mistake;

(ii) Intoxication

(b) Justification

(i) Self-defence;

(ii) Force used in the course of preventing crime or arresting offenders: section 3 Criminal Law Act 1967

(iii) Necessity

(c) Excuse

(i) Duress by threats

(ii) Duress of circumstances

(d) Mental 'disorder' defences

(i) Automatism

(ii) Insanity

(e) Impact of mistake and intoxication on defences generally

6. Inchoate offences

(a) Attempt contrary to section 1 Criminal Attempts Act 1980

7. Secondary liability. Section 8 Accessories and Abettors Act 1861

Offences against property

8. Offences contrary to the Thefts Acts 1968 and 1978

(a) Theft contrary to section 1 Theft Act 1968

(b) Robbery contrary to section 8 Theft Act 1968

(c) Burglary contrary to section 9 Theft Act 1968

(d) Aggravated burglary contrary to section 10 Theft Act 1968

(e) Selected offences contrary to the Fraud Act 2006

(i) Fraud contrary to section 1 Fraud Act 2006

- by false representation section 2 Fraud Act 2006

- by failing to disclose information section 3 Fraud Act 2006

- by abuse of position section 4 Fraud Act 2006

(ii) Obtaining services dishonestly contrary to section 11 Fraud Act 2006

(f) Making off without payment contrary to section 3 Theft Act 1978

9. Offences contrary to the Criminal Damage Act 1971 and specific defences relating to criminal damage

(a) Criminal damage contrary to section 1(1) Criminal Damage Act 1971

(b) Aggravated criminal damage contrary to section 1(2) Criminal Damage Act 1971

(c) Arson contrary to section 1(3) Criminal Damage Act

(d) Racially aggravated criminal damage section 30 Crime and Disorder Act 1998

(e) Defence of belief in consent section 5(2)(a) Criminal Damage Act 1971

(f) Defence of defence of property section 5(2)(b) Criminal Damage Act 1971

Students are permitted to bring into the examination room the following specified document: **one** copy of **one** of the following: *Blackstone's Statutes on Criminal Law (OUP)*, *Sweet and Maxwell's Statute Series: Criminal Law*, *Butterworth's Student Statutes: Criminal Law* **or** *Core Statutes on Criminal Law (Palgrave Macmillan)*

Criminology [2660025]

1. *Objectives and methods of criminology.* Defining crime: legal and criminological conceptions. Nature, scope and objects of criminology. Historical development of criminology (in outline only). Classical and positivist schools. The idea of a science of criminology. Dichotomies/controversies in criminology: theoretical or applied criminology; treatment or punishment; free will or determinism. Sources of data. Official statistics: uses, defects and limitations of official data for purposes of research. Measures of law enforcement. Moral panics and the media. Self report studies. Victimisation surveys. Crime prevention.
2. *Criminological Theory*
 - (a) *Crime as an individual phenomenon:* Twin studies; biochemical factors; chromosome studies. Psychological and psychiatric explanations: Psychopathy. Eysenck and 'learning theory'. Theories of child development. Research on socialisation of children: school and home experiences.
 - (b) *Crime as a social phenomenon:* Social disorganisation and social ecology. Area studies. Class, culture and subculture. Gang studies. Anomie theory: Durkheim and Merton. Differential association theory. Matza's theory of delinquent 'drift'. Interactionist perspectives. Labelling theory. Control theories. Theories of corporate crime. Radical or Critical criminology. Marxism, Feminism and criminology. New Realism.
3. *Institutional Framework of Law Enforcement*
 - (a) Philosophy and aims of punishment. Developments in penal policy. Treatment model versus 'justice' model. Community and official attitudes to punishment and treatment of offenders. Role of imprisonment and its consequences. Conditions in prison. Alternatives to prison: sanctions in the community; strategies of constructive recompense.
 - (b) Police organisation and attitudes.

Elements of the law of contract [2650040]

- (a) *The formation of contracts.* Offer and acceptance. Consideration. Certainty of agreement. Intention to create legal relations
[Note: Questions will not be set on requirements as to the form of contracts.]
- (b) *The content of the contract.* Conditions, warranties and intermediate terms. Exemption clauses. Implied terms at common law. Collateral contracts. Statutory implied terms with regard to the quality of goods sold and goods or services supplied.

- (c) *Vitiating factors.* Mistake. Misrepresentation. Duress and undue influence.
- (d) *Illegality and public policy (excluding gaming and wagering).* Contracts illegal at common law. Consequences of illegality. Contracts in restraint of trade.
- (e) *Capacity to contract, with particular reference to the capacity of minors*
- (f) *Privity of contract (excluding agency and assignment)*
- (g) *Performance and breach.* Substantial performance. Repudiation and anticipatory breach. Discharge by breach. Discharge under the doctrine of frustration.
- (h) *Remedies for breach of contract.* General principles governing the assessment of damages. Remoteness of damage. Damages for non-financial loss. Mitigation. Restitutionary remedies. Liquidated damages and penalties. Specific performance.

[**Note:** The subject will also take account of relevant European Union legislation and how this is applied in the UK.]

Students are permitted to bring into the examination room the following specified document: **either** one copy of *Blackstone's Statutes on Contract, Tort & Restitution (OUP)* **or** one copy of *Core Statutes on Contract, Tort & Restitution (Palgrave Macmillan)*.

EU law [2660024]

In England and Wales, the Solicitors Regulation Authority and Bar Standards Board require students who registered in or after September 2001 to pass EU law in order to obtain a Qualifying Law Degree.

1. *EU Institutions*
 - (a) The Framework Treaties
 - (b) Basic institutions
2. *Constitutional and Administrative Law*
 - (a) Legislative acts and processes
 - (b) Judicial remedies and judicial review
 - (c) EU Law and national law
3. *Impact on business enterprises*
 - (a) Free movement of goods
 - (b) Competition policy
4. *Effect on individuals*
 - (a) Free movement of workers
 - (b) Freedom of establishment and services
 - (c) Freedom from discrimination
5. *Completion of the internal market*

Students are permitted to bring into the examination room the following specified document: **either** *Blackstone's EC Legislation (OUP)* **or** *Rudden & Wyatt's (OUP) EU Treaties and Legislation (formerly Basic Community Law)* **or** one copy of *Core EU Legislation (Palgrave Macmillan)*.

Evidence [2660007]

- (a) Basic concepts of relevance, admissibility and weight. Nature and classification of various types of evidence: circumstantial evidence, collateral facts, documentary evidence, facts in issue, original evidence, real evidence, testimony. Development and current objectives of evidence law.
- (b) Competence and compellability of witnesses. Effect of failure to testify.
- (c) Examination-in-chief. Cross-examination, including common law restrictions and restrictions under the Youth Justice and Criminal Evidence Act 1999, ss.41-43. Re-examination. Previous consistent statements.
- (d) Burden and standard of proof. Evidential burdens.
- (e) Hearsay in civil and criminal trials, including provisions of the Criminal Justice Act 2003. Justifications for excluding hearsay.
- (f) Judicial warnings to the jury: discretionary warnings after *Makanjuola*; compulsory warnings, including warnings about a defendant's lies and *Turnbull* warnings.
- (g) Identifications inside and outside court, including Code D of the Codes of Practice issued under the Police and Criminal Evidence Act 1984.
- (h) Confessions and improperly obtained evidence. Provisions of the Codes of Practice relating to detention and questioning of suspects, and recording of interviews. Failure to mention facts under the Criminal Justice and Public Order Act 1994, ss.34, 36 and 37.
- (i) Character evidence and similar fact evidence in civil trials. Character evidence in criminal trials, including provisions of the Criminal Justice Act 2003. The Rehabilitation of Offenders Act 1974.
- (j) Opinion evidence.
- (k) Privilege against self-incrimination; legal professional privilege; 'without prejudice' statements. Public interest immunity.

Students are permitted to bring into the examination room the following specified documents: one copy of the *Codes of Practice issued under Police and Criminal Evidence Act 1984* and either one copy of *Blackstone's Statutes of Evidence* (OUP) or one copy of *Core Statutes on Evidence* (Palgrave Macmillan).

Family law [2660019]

- (a) *Marriage and divorce*. Requirements of a valid marriage: form and capacity. Nullity. Divorce. Judicial separation.
- (b) *Domestic violence*. Remedies for molestation and orders relating to occupation of the matrimonial home.
- (c) *Financial provision*. The powers of the superior courts concerning financial provision for spouses and children, during marriage and on divorce. Types of order

available and their duration and variation. Matrimonial proceedings in the magistrates' courts...

- (d) *The law relating to children*. Parent and child; proof of parentage, legal aspects of developments in artificial insemination, *in vitro* fertilisation and surrogacy; children's rights; children born within and outside marriage; orders under s.8 of the Children Act 1989. Adoption; the powers of the local authority under the Children Act 1989; the inherent jurisdiction.

Students are permitted to bring into the examination room the following specified document: **either** one copy of *Blackstone's Family Law Statutes* (OUP) **or** one copy of *Core Statutes on Family Law* (Palgrave Macmillan).

History of English law [2660012]

Outline of the Anglo-Saxon legal system: Anglo-Saxon laws and charters, the role of the royal Witan, local courts and local justice.

Courts of the Common Law: the King's council, the King's bench, the common bench or common pleas, the court of exchequer, the court of chancery, prerogative or conciliar courts (Admiralty, Marshal, Requests, 'Star Chamber', Privy Council). The various appellate tribunals. Mercantile, seigniorial and ecclesiastical courts and their jurisdictions (excluding details of remedies and substantive rules).

Procedure: writs and bills, the forms of action, the modes of proof (ordeal, battle, jury, compurgation), witnesses and evidence, methods of execution of judgements, review of verdicts and judgements.

Land law: Feudalism and tenures, estates for life (dower, courtesy), conditional fees, the entail (creation and barring), the term of years (including ejectment), uses, trusts and future executory interests, perpetuities and settlements (in outline only and excluding the history of the law of wills).

Contract and Tort: actions of debt, detinue and covenant; trespass and case; assumpsit, conversion, deceit and defamation; equitable remedies for breach of contract; doctrine of consideration; rise of negligence.

Criminal law: appeals and indictments, the nature of felony, trespass and misdemeanour, benefit of clergy, sanctuary.

[**Note:** Questions will not be set on the history of constitutional and administrative law nor upon substantive topics in the common law not indicated above. Questions will not require a knowledge of the period after 1907.]

Intellectual property [2670026]

- (a) *Categories of intellectual property rights*: the subject matter of intellectual property; the justification for each type of right; absolute and relative monopolies; absence of common law protection against unfair competition.

- (b) *Sources of intellectual property law*: international conventions, EU Directives, statute, EU and UK case law, decisions of the EPO and UK Patent Offices, decisions of OHIM and the UK Trade Marks Registry.
- (c) *Remedies*: for the enforcement of intellectual property rights.
- (d) *Confidential information*: the theoretical basis of the action for breach of confidence; the requirements for liability; the position of employees, ex-employees and involuntary recipients; defences and remedies.
- (e) *Copyright*: Copyright, Designs and Patents Act 1988: the definition of copyright and the idea/expression dichotomy; nature and types of protected works; originality; creation and ownership of works; qualification for protection under the Act; duration of rights; infringement; defences to infringement; the author's moral rights.
- (f) *Industrial designs*: historical context; the exclusion of certain artistic works from copyright protection; creation and content of the unregistered design right; relationship with Registered Designs Act 1949.
- (g) *Common law protection for trade marks*: the tort of passing off; requirements for liability; forms of passing off; character, personality and image merchandising; the position of the foreign claimant.
- (h) *Registered trade marks*: the Trade Marks Act 1994 and the First Trade Marks Directive 1989; definition, nature and functions of a trade mark; obtaining registration; absolute and relative grounds for refusal of registration; revocation and invalidity; licensing of trade marks; infringement and defences, including comparative advertising and exhaustion of rights.
- (i) *Patents*: impact of the European Patent Convention on the interpretation of the Patents Act 1977; applying for a patent; the role of the specification and claims; the skilled addressee; types of patent (process and product patents); requirements of patentability, including novelty, inventive step, industrial application; exceptions to and exclusions from patentability; ownership of patents and employee inventions; revocation; infringement, including categories of infringing act, defences and claim interpretation.

Students are permitted to bring into the examination room: the following specified document: **either** one copy of *Blackstone's Statutes on Intellectual Property* (OUP) **or** one copy of *Core Statutes on Intellectual Property* (Palgrave Macmillan)

International protection of human rights [2660029]

- **Human Rights and International law**
The nature of international law/ the relationship between international law, human rights and domestic law/ the status of the Universal Declaration/ the sovereign state and international law/ the individual international law.
- **Philosophies of Human Rights**
The nature of human rights/ universalism, cultural relativism and other theories/ rights in Islam/ the Bangkok Declaration/ rights and social transformation/ rights and identity.
- **Human Rights and the International Legal and Economic Order**
Human Rights and the United Nations/ The transformation of human rights in the post war period/ Human rights and the IMF, the World Bank and the WTO/ the New International Economic Order and the right to development/ International civil society.
- **The UN system for the Protection and Enforcement of Human Rights**
The UN Charter and the Institutions of the UN/ The Universal Declaration/ Enforcement mechanisms in the UN system/ The Treaty bodies/ The International Covenant on Civil and Political Rights/ The two Optional Protocols/ The International Covenant on Economic, Social and Cultural Rights/ The Reporting system relating to the Covenants.
- **The Human Rights of Women**
The nature of women's rights/ The Convention on the Elimination of All Forms of Discrimination Against Women/ The Optional Protocol/ The Declaration on the Elimination of Violence Against Women/ The Special Rapporteur on violence against Women.
- **The Human Rights of Children**
The Convention on the Rights of the Child/ Child labour/ Child soldiers/ Children, healthcare and HIV/ Children in the criminal justice system.
- **Race and Rights**
Colonialism/ Apartheid and Racial Segregation/ The International Covenant on the Elimination of All Forms of Racial Discrimination/ South Africa: from Apartheid to Democracy.
- **The Rights of the Refugee**
The nature of refugee rights/ the recent history of the refugee/ the Convention relating to the Status of Refugees and the 1967 Protocol/ Women and Girls as Refugees/ The Convention and National Law/ The Crisis in the Sudan: oil, power and refugees.
- **Torture, Terrorism and the Rule of Law**
The Convention against Torture/ Domestic law and torture/ Torture and the 'War against Terror'/ The English courts and torture.
- **Human rights and its relationship to humanitarian law, crimes against humanity and genocide.**
- **Military Intervention and Human Rights**
International law and military intervention/ The United Nations and the use of force/ Failed states and the war against terrorism: from Kosovo to Iraq.

- The European System for the Protection of Human Rights
The European Convention/ The European Union and Human Rights/ Freedom of Speech and Religion in Europe.
- The Inter-American System
The American Convention on Human Rights/ the Jurisprudence of the Inter American Court/ Country Reports and the Human Rights Commission.
- The African System
The Organisation of African Unity/ The African Charter on Human and Peoples' Rights/ The Protocol on the Rights of Women/ The African Charter on the Rights and Welfare of the Child/ The protection of Refugees Rights.

Students are permitted to bring into the examination room: one copy of *Blackstone's International Human Rights Documents* (OUP).

Introduction to Islamic law [2660028]

Part I

- (a) *Introductory*: Islamic law in the modern age, influence and extent, importance as a source of law in Malaysia and Pakistan, meaning of Shari'a.
- (b) *Historical basis*: Pre-Islamic Arabia, tribal law. The life of Muhammed and his family and tribe (the Quraysh). The Arrashidun caliphs. The Ummayyads and the Abbasids. The ahl-ra'y and the ahl al-hadith
- (c) *The sources of Islamic law*: The Quran as a law text. The Sunna of the Prophet. Hadith material. The controversy of authentication (Schacht's and Coulson's approach). Subsidiary sources of law: ijma, qiyas, istihsan, istislah, istishab, ra'y.
- (d) *The development of the schools of law*: Sunni versus Shi'i. The Shi'i schools: Ithna Ashari's, Ismaili's, Zaydi's. The Sunni Schools: Hanafi, Maliki, Hanbali, Shafi'i.
- (e) *The courts and procedure*: The Qadi's court and Islamic rules of procedure and evidence. The oaths and witnesses.
- (f) *Criminal law*: The Hadd offences. The Ta'azir offences. Homicide: the blood feud and blood money. Pakistan's Huddood Ordinances.
- (g) *International law*: Rules on laws of war, treatment of prisoners, treaty making powers. Dealings with non-Muslims (Dimmi's).
- (h) *Civil law*: Contracts and tort.

Part II

- (a) *Family law*: Marriage, guardianship, legitimacy, custody, maintenance, dissolution of marriage in traditional and modern law.
- (b) *Succession*.

Jurisprudence and legal theory [2670005]

The nature of jurisprudence: methodology, analysis, theory and the idea of definition, the relevance of language and ideology. Legal positivism and its critics: the command theory, Hart-Fuller debate, Dworkin's criticism of positivism, Kelsen (including the use of Kelsenian

principles in revolution cases), Raz's theory of law.

Moral theory and the law: the history of natural law, Finnis's natural law theory, liberalism and the Hart-Devlin debate, moral rights, utilitarianism and its critics, utilitarianism and the economic analysis of law.

Legal reasoning: Dworkin's theory of law as integrity, Dworkin's methodology, practical reasoning, Hohfeld's analysis of legal rights.

Social theory and critical accounts of law, including the American Critical Legal Studies movement, Marxist theories of law and state, feminist jurisprudence.

A study in depth of a text prescribed by the examiners on which there will be one compulsory question in the examination. For 2010 the prescribed text is Hart, HLA, *The Concept of Law*, (second edition).

Labour law [2660018]

Definition of employment. Terms of the contract of employment, with particular reference to the effect of collective agreements and common law implied terms. Variation of the contract of employment.

Dismissal, with particular reference to wrongful dismissal, unfair dismissal and redundancy.

Equal pay and sex discrimination. Race discrimination. Disability discrimination. Sexual orientation and religion or belief discrimination. Miscellaneous statutory employment rights.

Impact of EC law with particular reference to discrimination.

The right to recognition. The nature and legal effect of collective agreements. Legal support for the practice of collective bargaining.

The law relating to strikes and other forms of industrial action: common law torts and statutory defences; liability of trade unions to be sued; picketing; employers', trade union members' and others' rights to challenge industrial action.

The right of trade union members, with particular reference to the right to be a member of a trade union and rights in respect of wrongful or unreasonable discipline and expulsion and exclusion from membership.

Students are permitted to bring into the examination room the following specified documents, which must be a 2003 or later edition: one copy of *Blackstone's Student Statutes on Employment Law* (OUP) **or** one copy of *Core Statutes on Employment Law* (Palgrave Macmillan). In addition, students are permitted to bring into the examination room one copy of the following: *Employment Equality (Sexual Orientation) Regulations*, *Employment Equality (Religion or Belief) Regulations 2003*, *2003 Race Relations Act Amendment Regulations* and the *Employment Relations Act 2004*.

Land law [2660003]

- (a) *General principles*. Definition of land. Doctrine of tenures and estates. Fee simple estates. Legal and equitable rights.

- Principles of the 1925 legislation. 2002 Land Registration Act.
- (b) *Unregistered and registered conveyancing*. Land Charges Act 1972. Doctrine of notice. Land Registration Acts. Concept of overreaching.
 - (c) *Settlements and trusts*. Trusts of land under the Trusts of Land and Appointment of Trustees Act 1996. Co-ownership of land.
 - (d) *Landlord and tenant*. The term of years absolute. Its nature, creation, assignment and forfeiture. Enforceability of leasehold covenants. The lease/licence distinction.
 - (e) *Licences*. Bare licences. Contractual licences, their revocability and enforceability against third parties. Proprietary estoppel, the nature of the doctrine, remedies and enforceability against third parties.
 - (f) *Easements*. Characteristics, creation, extinguishment and extent.
 - (g) *Covenants running with freehold land*. The common law and equitable rules relating to the running of the burden and benefit of covenants.
 - (h) *Mortgages*. Nature and creation. Position and rights of the mortgagor. Rights and remedies of the mortgagee.
 - (i) *Adverse possession*.

Questions will not be asked on the application of the rules against perpetuities and accumulations.

Students are permitted to bring into the examination room the following specified document: **either**: one copy of *Blackstone's Statutes on Property Law* (OUP) **or** one copy of *Core Statutes on Property Law* (Palgrave Macmillan)

Law of tort [2660001]

The scope and function of the law of tort; the bases of liability; the interests protected by the law of tort; sources of development of law including the Human Rights Act and the European Convention on Human Rights. Negligence: the concepts of duty, breach, causation and remoteness of damage. Negligent infliction of personal injuries; the assessment of damages. Occupiers' liability; liability of employers; product liability. Negligent infliction of other physical damage and of economic loss. Negligent misstatements. Assault, battery, false imprisonment and other intentional physical harm. Interference with economic interests: deceit, inducing breach of contract, intimidation, conspiracy. Nuisance; the principle in *Rylands v Fletcher*; liability for animals. Liability under statutory duties and powers. Defamation. Vicarious liability. The effect of death on liability. Defences.

Law of trusts [2660002]

- (a) Definition and distinction from other legal concepts. Classification of trusts. Equitable rights and remedies.

- (b) Express private trusts. Statutory requirements for creation. Secret trusts. Incompletely constituted trusts. Certainties of a trust. Protective trusts. Discretionary trusts. Purpose trusts.
- (c) Charitable trusts. Definition. Distinctions from private trusts. Classification of charitable trusts. Doctrine of *cy præs*.
- (d) Implied and resulting trusts. Purchase in the name of another. Joint purchase and joint accounts. Contributions to purchase price. Adding value to another's property. Mutual wills - both types. Beneficial interest not completely disposed of.
- (e) Constructive trusts. General nature. Comparison with proprietary estoppel. The contractual vendor as a constructive trustee. The express trustee as a constructive trustee. Trustee profiting from trust. Remuneration of trustees.
- (f) The appointment, retirement and removal of trustees. Delegation of trustees' powers and discretions.
- (g) Trustees' powers and duties. Investment of trust funds. Maintenance and advancement. Accumulation of income
- (h) Variation of trusts.
- (i) Remedies for breach of trust. Personal and proprietary remedies. Tracing
- (j) Trustees' liability for breach of trust. Trustees' right of indemnity or contribution.

[**Note**: Questions will not be set on apportionments (e.g., the rule in *Howe v Lord Dartmouth*) or on the application of the perpetuity rule but they may be set on the application of the rules against accumulation of income.]

Students are permitted to bring into the examination room the following specified document: **either** one copy of *Blackstone's Statutes on Property Law* (OUP) **or** one copy of *Core Statutes on Property Law* (Palgrave Macmillan).

Public law [2650020]

- (a) *Introduction*. Characteristics of the constitution. Sovereignty of Parliament. Separation of powers. Rule of Law. Sources of the constitution. The structure of the United Kingdom. Central government, devolution and local government.
- (b) *Parliament. House of Commons: Composition and functions*: Electoral law and reform. Composition and procedure. Functions (i) Legislative (ii) Financial (iii) Control of the Executive (iv) Role of the MP as an individual (v) Parliamentary privilege. *House of Lords*: Composition and functions.
- (c) *The Executive and Administration*. Crown and the Privy Council. Prime Minister and the Cabinet. Civil Service. Sources of executive power including the Royal prerogative. Delegated legislation. Ministerial

responsibility. Control of Executive power:

- (i) Parliamentary: Parliamentary Commissioner for Administration. (ii) Judicial: Judicial review. Remedies.
- (d) *The European Union*. Institutions of the European Union: (i) The Council (ii) The Commission (iii) The Parliament (iv) The Court of Justice. Sources of Community law. Community law and national law. Community primacy and Parliamentary sovereignty.
- (e) *The citizen and the state* Statutory protection of human rights in the United Kingdom. European Convention on Human Rights and the Human Rights Act 1998. Public Order Law. State Security.

Students are permitted to bring into the examination room the following specified document: **either** one copy of *Blackstone's Statutes on Public Law & Human Rights* (OUP) **or** one copy of *Core Statutes on Public Law & Human Rights* (Palgrave Macmillan)

Public international law [2660013]

- (a) The nature and significance of public international law.
- (b) The sources of public international law.
- (c) International law and municipal law.
- (d) International personality: states, international organisations and others.
- (e) Legal criteria of statehood.
- (f) Principles of state jurisdiction.
- (g) Immunities.
- (h) Human rights.
- (i) International criminal law.
- (j) Peaceful settlement of disputes.
- (k) Use of force.
- (l) Treaties.
- (m) State responsibility.
- (n) State succession.
- (o) Law of the sea.
- (p) International environmental law.

Students are permitted to bring into the examination room: one copy of *Blackstone's International Law Documents* (OUP).

Succession [2670016]

- (a) *Introduction*. Outline of the history of Succession; testate and intestate. Theory and context of inheritance in modern family property law.
- (b) *Intestate Succession*. Historical introduction. Twentieth century legislation. The rules relating to total and partial intestacy.
- (c) *Making Wills*. The general nature and characteristics of wills. Capacity to make wills. *Amicus testandi*. Knowledge and approval; effect of undue influence, suspicious circumstances, fraud, mistake. Formalities required for making wills. Incorporation by reference. Alterations. Revocation, revival and republication of wills.
- (d) *Special Wills*. Statutory wills for mental patients. Privileged wills. International wills. Nominations. *Donatio mortis causa*. mutual wills. Conditional wills.
- (e) *Family provision*. The concept of testamentary freedom: arguments for and against. Historical and comparative aspects. Fixed rights versus discretion. The Inheritance (Provision for Family and Dependents) Act 1975.
- (f) *Construction*. General principles of construction, common law and statutory. Descriptions of persons and property. Class closing rules. Rectification. Extrinsic evidence.
- (g) *Entitlement*. Types of testamentary gift. Characteristic features of legacies and devises. Failure of gifts: ademption, lapse, uncertainty, forfeiture, disclaimer, witnessing a will, *commorientes*.

Students are permitted to bring into the examination room the following specified document: **either** one copy of *Blackstone's Statutes on Property Law* (OUP) **or** one copy of *Core Statutes on Property Law* (Palgrave Macmillan) **and** one copy of *Inheritance (Provision for Family and Dependents) Act 1975*.

Annex C Scheme of award

The Diploma in the Common Law is awarded according to the following classes:

Mark range	Class
70 and over	Distinction
60 to 69	Merit
50 to 59	Credit
40 to 49	Pass
Below 40	Fail

- To obtain the Diploma in the Common Law, students are required to pass the examination in all **four** papers. All papers are weighted equally.
- To obtain a Diploma in the Common Law with a given class a student will be required to achieve three marks in or above that mark range, but the Examiners must also be satisfied that there is sufficient strength in the fourth paper.

Annex D Assessment criteria

Distinction* level (70% +)

An answer falling into the mark range 70% + has a thoughtful structure and follows a clear argument displaying personal reflection informed by wider reading of articles and/or other commentaries and a good grasp of detail (as evidenced by the choice of relevant examples which are well integrated into the answer's structure). The answer should be complete, with no errors or omissions.

Distinction-level answers are ones that are exceptionally good for an undergraduate and which excel in several of the following criteria:

- comprehensiveness and accuracy
- clarity of argument and expression
- integration of a range of materials
- evidence of wider reading
- insight into the theoretical issues
- excellent and fluent use of written English containing very few, if any, grammatical errors

Excellence in several of these areas should be in addition to the qualities expected of a Merit-level answer. A Distinction-level answer is generally expected to spot especially complex or difficult points, and to make use of more sophisticated analysis than a Merit-level answer.

To obtain a very high Distinction-level mark (i.e. 75% +), there will usually be some evidence of originality and/or exceptionally sophisticated critical analysis.

Problem questions:

In addition to the above, Distinction-level answers to problem questions will also satisfy the following criteria:

- i) *all* of the relevant legal issues must have been spotted
- ii) the exposition and application of the relevant legal rules must be clear, accurate and comprehensive
- iii) the application of the legal rules and the case law must be insightful (i.e., the student must demonstrate that s/he can both distinguish cases on their facts and argue by analogy)
- iv) there should be a conclusion that summarises the legal position of the relevant parties

Merit* level (60 to 69%)

An answer falling into the mark range 60 to 69 % generally shows a sound understanding of both the basic principles and relevant details of the law, supported by examples which are demonstrably well understood and which are presented in a coherent and logical fashion. The answer should be well presented and structured, display some analytical ability and contain no major errors or omissions. Not necessarily excellent in any area.

Merit-level answers cover a wider band. Such answers are clearly highly competent and typically possess the following qualities:

- accurate and well informed

- only very minor errors or omissions
- reasonably comprehensive
- well-organised and structured
- provide evidence that the student has read the required and recommended reading
- demonstrate a sound grasp of basic principles
- demonstrate a good understanding of relevant material
- succinct and cogent presentation
- some evidence of insight, reflection and analysis
- good standard of written English with few grammatical errors

One essential aspect of a Merit-level answer is that it must have competently dealt with the question asked by the examiner.

Problem questions:

In addition to the above, Merit-level answers to problem questions will also satisfy the following criteria:

- i) all the major issues and most of the minor issues must have been spotted
- ii) the application of the legal rules and case law must be accurate and comprehensive
- iii) the application of the legal rules must be insightful (i.e., the student must demonstrate that s/he can both distinguish cases on their facts and argue by analogy)
- iv) there should be a conclusion that summarises the legal position of the relevant parties

Credit* level (50 to 59%)

A substantially correct answer which shows an understanding of the basic principles.

Credit-level answers display an acceptable level of competence, as indicated by the following qualities:

- generally accurate
- providing an adequate answer to the question based largely on textbooks but without evidence of much further reading
- competently presented
- no real development of arguments
- may contain a significant error or omission
- may contain some material which is not relevant to the question posed
- competent written English but may contain some grammatical errors

Problem questions:

In addition to the above, Credit-level answers to problem questions will also satisfy the following criteria:

- i) most of major issues and minor issues must have been spotted
- ii) the application of the legal rules and case law must be generally accurate and competent
- iii) there should be a conclusion that summarises the legal position of the relevant parties.

Pass (40 to 49%)

An answer falling in the mark range 40-49% either shows a basic knowledge and understanding of the main issues but not coherently or correctly presented (45%+) or displays just sufficient information to indicate that the student has a general familiarity with the subject area (40-45%).

Pass-level answers tend to be weak in one or more of the following ways:

- displays an inability to follow an argument throughout
- poorly structured
- evidence of lack of wider reading
- descriptive only
- does not answer the question directly
- misses key points
- contains important inaccuracies
- covers material sparsely, possibly in note form
- contains assertions not supported by authority or evidence
- contains relatively little appropriate or accurate material
- only cursorily covers the basic material
- may not answer the question posed
- is poorly presented without development of arguments
- displays a poor standard of English, including many grammatical errors

Problem questions:

In addition to the above, although there is some relevant information, a Pass-level answer to problem questions is one that:

- i) misses important and relevant legal issue issues
 - ii) fails to apply every relevant legal rule
 - iii) fails to make good use of the case law
 - iv) is poorly structured
-

Fail (0 to 39%)

Fails to meet the minimum requirements of the assessment criteria.

Such answers typically contain one or more of the following:

- evidence of a lack of basic understanding
- many errors or omissions
- evidence of a lack of understanding or appropriate reading
- failure to answer the question posed, by, for example, answering a different question from that set by the examiner
- disorganised
- very poor use of English, such as poor grammar and spelling and incoherent statements
- fails to complete the examination by answering too few questions

Problem questions:

In addition to the above, in a problem question, one or more of the following applies:

- i) misses several important legal issues
- ii) fails to apply relevant legal rules
- iii) fails to make appropriate use of the case law
- iv) is poorly structured

Notes:

* The terms 'Distinction', 'Merit' and 'Credit' apply only to the final classification of the Diploma in the Common Law as a whole (see Annex C). 'Distinction-level', 'Merit-level' and 'Credit-level' are used above to indicate the class equivalence of the mark ranges applied to individual examination papers.

Glossary of terms

Admission Notice	An Admission Notice is provided to each student who has entered an examination. The Admission Notice contains the student's candidate number and confirmation of the dates and times of the examination(s) for which they have entered.
Aegrotat degree	This is an honours degree awarded without classification (i.e. an unclassified degree). A student registered for a degree at Level 6 of the FHEQ who is unable to sit one or more examinations to complete the award, or feels that their performance has been adversely affected, because of illness or another cause (eg the death or a near relative) can sometimes be awarded an Aegrotat degree. The award is made on the understanding that the student would otherwise have passed the degree.
Annex	The Annexes are part of the regulations and supplement the Detailed Regulations.
Assessment criteria	The assessment criteria describe how to achieve a particular mark or result. Assessment criteria are given in an Annex to the Detailed Regulations.
Award	An award is a qualification. It may be a degree, diploma or certificate with a specific title. The level of each award is defined within the Framework for Higher Education Qualifications.
Awarding body	The awarding body refers to the institution that awards the student their degree. External Students receive a University of London award, and therefore the University is the awarding body.
Board of Examiners	A Board of Examiners is appointed for each programme or for each group of related programmes. The Lead College nominates Board members and these are then contracted to the University for their services. The Board of Examiners follows guidelines and regulations laid down by the University, part of which is to ensure that assessment is, and can be demonstrated to be, fair and impartial. A Board's responsibilities include the setting of papers, marking of scripts and determining student results.
Compulsory unit (or module or subject)	A compulsory unit is a unit/module/subject which must be taken (i.e. the examination must be attempted) as part of the requirements for the programme concerned.
Credit transfer (see also 'Exemption')	A student may be considered for credit for a subject that was passed during a previous registration with the University of London or , in the case of the LLB degree, for studies towards an appropriate degree at another university acceptable to the University of London. Where credit is given, the mark obtained for the subject previously studied will be carried forward to the student's record and may contribute towards the award, in accordance with the scheme of award for the programme concerned.
Diploma Supplement (see also 'Final diploma')	A Diploma Supplement is a document that accompanies every final diploma awarded to successful students. The model used was developed by the European Commission, Council of Europe and UNESCO/CEPES. The purpose of the supplement is to provide sufficient independent data to improve the international 'transparency' and fair academic and professional recognition of awards. It provides a description of the nature, level, context, content and status of the studies that were pursued and successfully completed by the student. Included also is a detailed record of a student's examination results in the form of a transcript.
Effective date of registration	Some programmes have one or more effective dates of registration. This is the date from which a student will be considered to have been registered. This date indicates the point from which the length of a student's registration is calculated. It determines the year in which a student may first enter an examination and when their registration expires.
Examination	The term 'examination' refers to all the methods used to examine the student in a particular unit/module/subject. Methods include a written paper examination, coursework, project, dissertation, or online participation requirements.

Examination attempt	A student who enters an examination room to attempt a written paper examination will be considered to have made an examination attempt.
Examination centre	An examination centre is a place where a student goes to attempt their written paper examinations. The University has approved examination centres worldwide. Students are required to sit any written paper examinations at one of these centres.
Exemption	A student may be exempted from studying a unit/module/subject if they have previously passed a similar subject either at the University of London or at another institution. Exemption may be given when a unit is not sufficiently similar for credit to be awarded. The mark obtained when the subject was passed will not be carried forward to the student's record and will not contribute towards their award.
Final diploma	The final diploma is the certificate (or parchment) that a student receives from the University when they have successfully completed an award of the University.
Framework for Higher Education Qualifications (FHEQ)	The FHEQ forms part of the academic infrastructure of the Quality Assurance Agency for Higher Education (QAA) in England and Wales. University of London awards are identified as being at one of the levels contained within the FHEQ.
Guidelines for Examinations in the External System and associated documents	These guidelines contain the details of the responsibilities and conduct of External System Boards of Examiners.
Laws Consortium	The group of University of London Colleges that has responsibility for the academic management and development of the undergraduate Laws programme.
Lead College	A single College or Institute (the Lead College) has responsibility for the academic management and development of individual programmes of study and related student matters.
Notice to Candidates	The Notice to Candidates contains the prescribed rules for the examination. The notice to candidates is provided to students together with the Admission Notice.
Occasional student	For some undergraduate programmes, a student who is not registered for a full degree, diploma or certificate as an External Student may register as an Occasional student to take one or more subjects. An Occasional student does not receive an award but receives a certificate of completion for subjects for which an examination is passed.
Quota	A quota is a set number of students who may be registered in any given year. When a specific programme has a quota, applicants who meet the entrance requirements will be given a conditional offer of registration. Registration will then be confirmed on payment of the appropriate fee and if the quota for that year has not yet been met. A student whose registration is not confirmed will be made a conditional offer of registration for the following study year.
Permission to Teach	For some diplomas, registered students are required to attend a teaching institution that has 'Permission to Teach'. Permission to Teach status is granted to a teaching institution through application by the institution and inspection by the Lead College (or Laws Consortium) against its established criteria.
Plagiarism	Plagiarism is the presentation of another person's thoughts or words as if they were the student's own: for example, copying from text books and other sources (including the Internet) without due acknowledgement that the passages quoted are copied and without giving the source of those passages.
Prerequisite	A prerequisite is a specified unit/module/subject that must be passed before the student is permitted to attempt another particular unit.

Programme or programme of study	A programme or programme of study is a structured pathway (or pathways) of learning designed to equip a person with knowledge, understanding, subject specific skills and key skills relevant to the requirements for an award. It usually leads to an award.
Programme Specification	A Programme Specification is a concise description of the intended learning outcomes of a programme, and the means by which the outcomes are achieved and demonstrated. It gives a concise description of the key parameters of the programme concerned. The Programme Specification is regulatory in nature and is supplemented by the Detailed Regulations.
Scheme of award	The scheme of award shows how marks are awarded and how a student's results are calculated both for individual units/modules/subjects and for the award as a whole.
Short courses	For some programmes, a student may register for individual units/modules/subjects as 'short courses'. These do not lead to an award but may be considered for entry, and/or credit towards, a programme leading to an award. There are separate regulations governing short courses.
Student Handbook	There is a student handbook or manual for most programmes offered to External Students. The handbook contains advice and guidance for students on academic and practical matters including important procedures.
Subject benchmark	A subject benchmark defines explicit national statements of academic standards or outcomes for individual subjects.
Supplementary subjects	For some programmes, a student who has already been awarded a degree or other award as an External Student may apply to register for additional subjects from that same programme. These are called 'Supplementary subjects'.
Transfer	Transfer is the process by which students may move between programmes in accordance with specific rules. Where the transfer is from diploma (or access route) to degree this is sometimes referred to as 'progression' as the student is considered to be moving from level of award to another level.
Progression	Progression is the term given to the process by which a student proceeds within a particular programme of study. In order to progress a student must satisfy certain conditions, usually involving attempting and passing a certain number of units/modules/subjects.
Unit/module/course/subject	Individual elements of a programme may be called 'units', 'modules', 'courses' or 'subjects' depending on the programme.
Written paper examination	A written paper examination is an examination which the student writes in a controlled environment. These are the examinations that are taken at examination centres worldwide. A time limit is given and students are not permitted to use any aids, except where these are indicated in the Detailed Regulations or Notice to Candidates.

Related documents and other sources of information

	Details	How to access the document or information
Student Handbook/manual	For most programmes there is a Student Handbook or manual. Typically they contain information on procedures that students will need to follow, with important dates, and academic advice and guidance on how to study and prepare for examinations.	Where available for a programme, the handbook/manual is sent to students when they register and usually annually when any relevant fees are paid. See also - http://www.londonexternal.ac.uk/current_student/general_resources/handbooks/index.shtml
Admission Notice and Notice to Candidates	An Admission Notice is provided to each student who has entered an examination. The Admission Notice contains the student's candidate number and confirmation of the dates and times of the examination(s) for which they have entered. The Notice to Candidates contains the prescribed rules for the examination. The notice to candidates is provided to students together with the Admission Notice.	These are sent to each student who enters an examination. Further information is in the Student Handbook/manual.
Student complaints procedure	The University has a procedure for considering External Student complaints. The objective is to solve problems quickly, simply and fairly	Details are in the Student Handbook/manual. See also - http://www.londonexternal.ac.uk/current_student/general_resources/complaints.shtml
Framework for Higher Education Qualifications (FHEQ)	The FHEQ forms part of the academic infrastructure of the Quality Assurance Agency for Higher Education (QAA) in England and Wales. University of London awards are identified as being at one of the levels contained within the FHEQ.	See - http://www.qaa.ac.uk/academicinfrastructure/fheq/
List of examination centres	An examination centre is a place where a student goes to attempt their written paper examinations. The University has approved examination centres worldwide. Students are required to sit any written paper examinations at one of these centres.	Details are in the Student Handbook/manual. See also - http://www.londonexternal.ac.uk/current_student/general_resources/exams/exam_centres_uk/index.shtml
List of teaching institutions with Permission to Teach	For some diplomas, registered students are required to attend a teaching institution that has 'Permission to Teach'. Permission to Teach status is granted to a teaching institution through application by the institution and inspection by the Lead College (or Laws Consortium) against its established criteria.	Details are in the Regulations. See also 'How you study' for the relevant programmes on the External System website - www.londonexternal.ac.uk
Guidelines for Examinations	These guidelines contain the details of the responsibilities and conduct of External System Boards of Examiners.	See - http://www.londonexternal.ac.uk/quality/ext_exam/documents/guidelines.pdf
Quality Assurance Manual	Sets out the principles, policies and procedures through which the quality of programmes for External Students are maintained, through partnership	See - http://www.londonexternal.ac.uk/quality/acad_inf/qa_manual/index.shtml

with the Colleges and the central University.

Policy for External Students with disabilities and or special needs

The University has a policy by which the needs of students with disabilities or other special requirements are considered in terms of both their studies and their examinations.

Details are in the Student Handbook/manual.

See also -

http://www.londonexternal.ac.uk/contact_us/sen.shtml



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