

UNIVERSITY OF OXFORD

MEMORANDUM FOR EXAMINERS FOR THE MASTER OF PHILOSOPHY IN LAW AND MASTER OF PHILOSOPHY IN SOCIO-LEGAL RESEARCH**1 Time-table for the examination**

Examiners must normally complete the examination and submit their joint report prior to the start of Michaelmas Term. If this is impossible, they are asked to notify the Research Degrees Office of the reasons for delay. Candidates are advised that they may approach the Research Degrees Team if they have not been contacted about the date of the viva within four weeks of submission of their thesis.

2 Duties of the examiners

These are prescribed in the *Examination Regulations* and comprise the following:

(1) to consider the thesis sent in by the candidate, provided that they shall exclude from consideration in making their report any part of the thesis which has already been accepted, or is being concurrently submitted, for any degree in this university or elsewhere, and shall have the power to require the candidate to produce for their inspection the complete thesis so accepted or concurrently submitted;

(2) to examine the candidate orally in the subject of the thesis and on subjects relevant to the candidate's field of study;

(3) to report to the Board whether on the basis of the thesis submitted, the oral examination, and, where applicable, the report referred to in paragraph (7), the candidate:

(i) should be awarded the Degree;

(ii) should be awarded the Degree with Distinction;

(iii) should be given the opportunity to re-submit for the Degree within one further term (this recommendation cannot be made if the candidate has already been referred); or

(iv) should be deemed to have failed the requirements of the Degree (this recommendation cannot be made unless the candidate has already been referred);

(4) to return the copies of the thesis to the candidate.

3 Subject of thesis

A candidate is required to obtain the approval of the faculty board for the title of his/her thesis. It can therefore be assumed that the faculty board has concluded that the subject of a thesis is *prima facie* a suitable topic for the degree in question.

4 Standard required

The examiners must satisfy themselves that the thesis affords evidence of serious study by the candidate and of ability to discuss a difficult problem critically; that the candidate possesses a good general knowledge of the field of learning within which the subject of the thesis falls; that the thesis is presented in a lucid and scholarly manner, and that the candidate has made a worthwhile contribution to knowledge or understanding in the field of learning within which the subject of the thesis falls to the extent that could reasonably be expected within the time normally spent as a student for the Degree.

5 Oral examination

The *viva* itself, is a formal examination of the University, examiners will be expected to wear academic dress – *subfusc*. However if the examination is being held remotely via video call there is no requirement to wear academic dress. Examiners are asked to take responsibility for all communications with each other, for arranging the oral examination and for notifying the candidate of arrangements made. The candidate's address is the relevant college unless otherwise indicated. Please let the candidate know the date of the oral examination as soon as it is arranged, even if this is some time ahead, and inform the Research Degrees Team of the agreed date. The purpose of the oral examination is three-fold;

- (i) to enable the examiners to assure themselves that the thesis is the candidate's own work;
- (ii) to give the candidate an opportunity to defend the thesis and to clarify any obscurities in it;
- (iii) to enable the examiners to assess the candidate's general knowledge in his/her particular field of learning.

The oral examination should be held at Oxford in a suitable university or college building, unless the relevant board (usually the Director of Graduate Studies on behalf of the board) gives special permission for it to be held elsewhere, or remotely via video call. It should, except in special circumstances, begin not earlier than 9 a.m. nor later than 5 p.m. and may be held in term or vacation. Examiners wishing to explore the possibility of holding the examination remotely via video call should contact the relevant GSA. Further guidance on approving and holding remote vivas is available in Annexes D and E of the [Policy and Guidance on Research Degrees](#).

If, owing to illness or to other urgent and unforeseen cause, an examiner is unable to attend the examination, it may be postponed to a later date. However, if postponement would be a serious hardship to the candidate the Proctors should be notified since in appropriate circumstances they may authorise another member of the faculty to attend the examination as a substitute.

A candidate resubmitting a thesis may be dispensed from the oral examination by the Faculty Board, if the examiners are able to certify that they are satisfied, without

examining the candidate orally, that they can recommend to the Board that the candidate be awarded the degree.

6 Recommendations available to the examiners

The various different recommendations provided for by the Examination Regulations are set out in full on the report form and examiners are requested to indicate their intentions by deleting such sections of the form as do not apply. Further details are set out below.

The examiners' recommendation is subject to certification by either the Director of the Course in Legal Research Methods (for the Master of Philosophy in Law) or the Director of the Course in Empirical Research Methods (for the Master of Philosophy in Socio-Legal Research) that the candidate has satisfied the requirements of the relevant course in research methods.

6.1 Award of the Degree

The Examination Regulations prescribe that the faculty board shall in no case award the candidate the degree of Master of Philosophy in Law **unless** the examiners have reported that the thesis meets the required standard in the terms defined under 4 above.

6.2 Award of a Distinction

The examiners shall award a distinction if they consider that the candidate has excelled in the requirements stipulated under 4 above.

6.3 Reference back of a thesis for resubmission (this recommendation cannot be made if the thesis has already been referred once)

If unable to recommend that the degree of Master of Philosophy in Law/Master of Philosophy in Socio-Legal Research be awarded, the examiners have power, after having completed the examination (i.e. including the oral examination), to recommend that the Board refer the thesis back to the candidate in order that the candidate may revise and present it for re-examination (Recommendation 2 on the report form).

Examiners are requested to be as specific and forthright as possible in setting out the respects in which the thesis falls below the standard required: if they are doubtful that the thesis will achieve the required standard they should make clear their concern about the overall quality of the thesis in the statement to be communicated to the candidate. The candidate will receive the full examiners' report in order that they may have the maximum guidance in revising the thesis. The candidate will be requested to seek elucidation of the examiners' statement through the supervisor and not by direct communication with the examiners.

Examiners will normally be expected to agree to re-examine in due course if they should recommend reference back.

6.4 Failure (this recommendation can only be made after an initial referral and a resubmission of the thesis)

If the examiners are satisfied that the thesis is not of sufficient merit to qualify the candidate for the degree of Master of Philosophy in Law/Master of Philosophy in Socio-Legal Research they are to recommend that the candidate's application for leave to supplicate be refused (3 on the report form).

7 Amending of minor errors in theses

If the examiners are satisfied that the candidate's thesis, as it stands, is of sufficient merit to qualify the candidate for the degree but consider, nevertheless, that the candidate should be given the opportunity to make minor amendments to their thesis, then the examiners may submit a list as an annex to their report. Candidates are not required to submit a hard bound copy of a successful thesis to the Bodleian, but if they wish to do so, they must first undertake any such minor amendments identified by the examiners, and submit a corrected copy of the thesis for approval by the internal examiner before depositing the Bodleian copy.

8 Examiners divided in their opinion

If the examiners are divided as to the standard of merit attained by the candidate, they should report in that sense to the Board, explaining the nature of and reasons for their disagreement. In any case in which the examiners are not able to make an agreed recommendation to the Board, the Board has power to satisfy itself in some other way as to the merit of the work done by the candidate and then to act as though it had received an agreed recommendation to that effect from the examiners.

9 Communication with the supervisor

The examiners should not normally contact the candidate's supervisor in connection with the examination except for the elucidation of any comments about the candidate by the supervisor which may have been sent to the examiners. Any enquiries concerning the examination should be addressed in the first instance to the Director of Graduate Studies of the Law Board via the Graduate Studies Officer.

10 Communication with the candidate about the examiners' proposed recommendation

The examiners' report is confidential to the faculty board until it has been approved and the candidate has been formally notified of the result. The faculty board alone has authority to act on the examiners' recommendations. Particularly in cases of possible difficulty, examiners should take care not to intimate to the candidate the content of their report or what they propose to recommend. Before the examiners' report has been considered by the faculty board, enquiries as to the outcome of the examination may be addressed via the Graduate Studies Officer to the Associate Dean for Graduate Research Students (who may, of course, choose to divulge nothing until the report has been formally considered).

11 Return of thesis to candidate

After the viva, both copies of the thesis should be returned to the candidate. If examiners require them for the purpose of writing their report, they may retain them and then return them to the Research Degrees Team, Examination Schools, High Street, Oxford OX1 4BG, or directly to the candidate.

12 Copyright and confidentiality

You are asked to note that the copyright of the thesis belongs to the candidate and that no quotation from it or information derived from it may be published without the candidate's prior written consent.

13 Fees and expenses

Examiners should claim their fee and any appropriate expenses by returning the enclosed claim form, which may be sent to the Research Degrees Team, as soon as the oral examination is completed.

(Revised November2020)