Company Law

Application of the law to the facts the key word is “application”. You may be good at reading principles and rules of law in textbooks and setting these out in an answer, but it is accurate and persuasive application of principles and rules to accurately read facts that will result in a better grade.• Logical development of arguments/reasoning Development of reasoned and logical legal arguments was missing from some scripts. Take care not to use connectors that suggest a logical link between sentences that are not logically linked. Examples are writing “Consequently ...” or “Therefore …” at the beginning of a sentence that goes on to introduce a totally different point from that previously considered, often so much so that it would be appropriate to begin a new paragraph. Reference to relevant primary authorities e.g. case law and statutes Whenever you state a statement of law you should identify and reference the statutory provision or case on which you rely for the correctness of the statement. Some practice coursework’s cited very few relevant authorities. Reference to relevant secondary materials e.g. reports, journal articles, specialist texts and academic commentary This is important to secure a higher grade. You should read and refer to relevant secondary literature, including journal articles but you can also refer to the suggested course text and perhaps an alternative text book e.g. Roach/Hannigan which some of you did. Critical evaluation of the applicable law. This is also important to secure a higher grade. Do not avoid the difficult, moot issues as discussion of the difficult points/shortcomings in the law will be credited. For example, a very good answer would not simply identify the basis for piercing the corporate veil but would also examine recent judicial consideration of the doctrine of piercing the corporate veil, particularly in Prest v Petrodel (2013), and the consistency of the judgments in that case. Knowledge and understanding of company law Ensure that you identify relevant legal principles and provide detailed explanations of relevant concepts. See indicative answer below. Evidence of research and independent learning A good way to demonstrate independent learning is coverage of recent developments, particularly new case law or amendments to statutes. For example, good answers covered the Supreme Court judgment in Lungowe v Vedanta Resources Plc (2019). Planning and clarity of structure the structure of answers was not an issue as the question was broken down into sub-questions for you. Where the structure is not clearly signposted, be sure to consider carefully the most effective way to structure your answer. Guidance has been given in module sessions and in the learning room throughout the module. Effective communication and professional presentation including appropriate referencing. Ensure that you read your work carefully before submission and try and eliminate careless typographical and other errors. Many students could improve their grade by writing more precisely and concisely. This involves; omitting unnecessary words, avoiding ambiguity, referring to specific facts accurately and stating legal principles accurately. Adhere consistently to the OSCOLA referencing system – footnotes and a bibliography are required.