LEXICAL STUDIES IN COLLEGES OF FURTHER EDUCATION IN ENGLAND AND WALES

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ABSTRACT

Legal studies occupy an important place in Colleges of Further Education as a necessary constituent of vocational training for business appointments. At the same time the ubiquity of legal considerations make such studies invaluable as part of a person's general education. This work is an enquiry into the extent and nature of these studies and an analysis of the information produced in order to test the validity of the many generalisations made concerning the teaching of Law.

Both in quantity and in standard of work, Law is comparable with the other basic commercial subjects of Accounts and Economics. It appears in many courses and the characteristics of each will be outlined and discussed, with particular attention paid to national certificate, professional and degree courses and courses provided for the legal profession.
Textbooks and library facilities, so important in the case of Law, will be examined. The following four chapters will be devoted to syllabuses and examinations with emphasis upon the subject General Principles of Law, and its value as a first subject for legal study. Analysis of syllabuses and examination papers shows wide variation as between different examining bodies.

Qualifications and duties of full-time and part-time lecturers will be examined together with the problems arising out of their appointment. The work ends with a discussion of the principal problems found in the teaching of the subject and some of the techniques and methods of presentation used in an attempt to overcome these.

In conclusion, an attempt has been made throughout to suggest possible lines of future development when a considerable expansion of further education, foreshadowed by the Robbins Report, is anticipated.
# CONTENTS

Statistical Tables

<table>
<thead>
<tr>
<th>Chapter 1: The Place of Law in Further Education.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The Place and Aims of Further Education.</td>
</tr>
<tr>
<td>(b) The Educational Value of Legal Studies.</td>
</tr>
<tr>
<td>(c) Law as a Vocational Subject.</td>
</tr>
<tr>
<td>(d) The Scope of this Work.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 2: The Field of Enquiry.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Preliminary Observations.</td>
</tr>
<tr>
<td>(b) The Colleges.</td>
</tr>
<tr>
<td>(c) Methods and Opinions of Law Lecturers.</td>
</tr>
<tr>
<td>(d) Professional Associations.</td>
</tr>
<tr>
<td>(e) The Attitude of Students.</td>
</tr>
<tr>
<td>(f) Other Sources of Information.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 3: The Extent and Distribution of Legal Studies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The Relative Importance of Law.</td>
</tr>
<tr>
<td>(b) The Extent of Legal Studies.</td>
</tr>
<tr>
<td>(c) The Relationship between Full-Time and Part-Time Lecturers.</td>
</tr>
<tr>
<td>(d) Organisation of Legal Studies.</td>
</tr>
<tr>
<td>(e) Courses containing Legal Subjects.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 4: National Certificate and Professional Courses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) National Certificate and Diploma Courses.</td>
</tr>
<tr>
<td>(b) Extent and Nature of Legal Subjects in Professional Examinations.</td>
</tr>
<tr>
<td>(c) Methods of Study of Professional Students.</td>
</tr>
<tr>
<td>(d) Relations between Colleges and Professional Associations.</td>
</tr>
<tr>
<td>(e) Value of Legal Subjects to Professional Students.</td>
</tr>
<tr>
<td>Chapter 5: Degree Courses</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>(a) A General Survey</td>
</tr>
<tr>
<td>(b) LL.B. Courses</td>
</tr>
<tr>
<td>(c) A New Qualification in Law</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 6: Courses for the Legal Profession</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Courses for the Bar and Law Society Examinations</td>
<td>111</td>
</tr>
<tr>
<td>(b) Training of Unadmitted Staff</td>
<td>118</td>
</tr>
<tr>
<td>(c) Course for Magistrates' Clerks</td>
<td>122</td>
</tr>
<tr>
<td>(d) The Institute of Legal Executives</td>
<td>124</td>
</tr>
<tr>
<td>(e) Legal Secretaries</td>
<td>135</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 7: Other Work in Legal Studies</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Secretarial Courses</td>
<td>138</td>
</tr>
<tr>
<td>(b) Law as a G.C.E. Subject</td>
<td>141</td>
</tr>
<tr>
<td>(c) Regional Examining Bodies</td>
<td>149</td>
</tr>
<tr>
<td>(d) The Certificate in Office Studies</td>
<td>158</td>
</tr>
<tr>
<td>(e) Further Aspects of Law Teaching</td>
<td>162</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 8: Textbooks</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Choice of Textbooks</td>
<td>167</td>
</tr>
<tr>
<td>(b) Preferences of Lecturers</td>
<td>171</td>
</tr>
<tr>
<td>(c) Views of Students</td>
<td>176</td>
</tr>
<tr>
<td>(d) Suggested Needs</td>
<td>183</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 9: Library and Related Facilities</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Provision of Facilities</td>
<td>189</td>
</tr>
<tr>
<td>(b) Use of the Library by Students</td>
<td>196</td>
</tr>
<tr>
<td>(c) Assistance to Students given by Professional Associations</td>
<td>201</td>
</tr>
<tr>
<td>Chapter</td>
<td>Title</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>Examination Schemes and Syllabuses</td>
</tr>
<tr>
<td></td>
<td>(a) Examination Schemes.</td>
</tr>
<tr>
<td></td>
<td>(b) Syllabuses.</td>
</tr>
<tr>
<td>11</td>
<td>General Principles of Law</td>
</tr>
<tr>
<td></td>
<td>(a) As a Preliminary Study.</td>
</tr>
<tr>
<td></td>
<td>(b) Practice of Professional Associations.</td>
</tr>
<tr>
<td></td>
<td>(c) Views of Lecturers.</td>
</tr>
<tr>
<td></td>
<td>(d) Analysis of Syllabuses.</td>
</tr>
<tr>
<td></td>
<td>(e) Views of Students.</td>
</tr>
<tr>
<td>12</td>
<td>Substantive Law</td>
</tr>
<tr>
<td></td>
<td>(a) The Content of Commercial Law Syllabuses</td>
</tr>
<tr>
<td></td>
<td>(b) Views of Students upon Commercial Law.</td>
</tr>
<tr>
<td></td>
<td>(c) Views of Students upon other Legal Subjects.</td>
</tr>
<tr>
<td>13</td>
<td>Examinations</td>
</tr>
<tr>
<td></td>
<td>(a) Examiners.</td>
</tr>
<tr>
<td></td>
<td>(b) Examination Papers.</td>
</tr>
<tr>
<td></td>
<td>(c) Examiners' Reports.</td>
</tr>
<tr>
<td></td>
<td>(d) Law Prizes.</td>
</tr>
<tr>
<td></td>
<td>(e) Views of Lecturers.</td>
</tr>
<tr>
<td>14</td>
<td>Full-Time Law Lecturers.</td>
</tr>
<tr>
<td></td>
<td>(a) Analysis of Numbers, Qualifications and Duties.</td>
</tr>
<tr>
<td></td>
<td>(b) Appointment of Full-Time Law Lecturers.</td>
</tr>
<tr>
<td></td>
<td>(c) Supply and Training.</td>
</tr>
<tr>
<td></td>
<td>(d) Keeping up to Date.</td>
</tr>
<tr>
<td></td>
<td>(e) Association of Law Lecturers.</td>
</tr>
</tbody>
</table>
**Chapter 15: Part-Time Law Lecturers**

(a) Criticism. 336
(b) Appointment of Part-Time Law Lecturers. 341
(c) The Attitude of the Part-Time Lecturer. 345

**Chapter 16: Teaching Problems and Techniques**

(a) Teaching Problems. 351
(b) Methods of Presentation. 361
(c) Use of Cases. 367
(d) Note Taking. 373
(e) Aids to Teaching. 378

**Chapter 17: Summary and Conclusions**

Appendix A: Questionnaire completed by Colleges. 396
Appendix B: Questionnaire completed by Law Lecturers. 398
Appendix C: Professional Associations consulted. 400
Appendix D: Questionnaire completed by Students of General Principles of Law. 402
Appendix E: Questionnaire completed by Students of Substantive Law. 405
Appendix F: Textbooks referred to in the Text. 407
Bibliography. 411
<table>
<thead>
<tr>
<th>Table No.</th>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Summary of Replies to Questionnaire B.</td>
<td>30</td>
</tr>
<tr>
<td>2.</td>
<td>Distribution of Work by Subjects at the Manchester College of Commerce, 1960-61.</td>
<td>45</td>
</tr>
<tr>
<td>3.</td>
<td>Quantity and Distribution of Legal Studies in Colleges of Further Education.</td>
<td>49</td>
</tr>
<tr>
<td>4.</td>
<td>Relationship between the Work of Full-Time and Part-Time Lecturers.</td>
<td>53</td>
</tr>
<tr>
<td>5.</td>
<td>Relationship between the Numbers of Full-Time and Part-Time Lecturers.</td>
<td>55</td>
</tr>
<tr>
<td>6.</td>
<td>Analysis of Law Papers of Professional Associations.</td>
<td>72</td>
</tr>
<tr>
<td>7.</td>
<td>Professional Students in Colleges Studying Law.</td>
<td>77</td>
</tr>
<tr>
<td>10.</td>
<td>Preferences of Lecturers regarding Textbooks.</td>
<td>172</td>
</tr>
<tr>
<td>11.</td>
<td>Legal Periodicals and Law Reports : Provision and Availability.</td>
<td>191</td>
</tr>
<tr>
<td>12.</td>
<td>Use of Library Facilities by Students.</td>
<td>199</td>
</tr>
<tr>
<td>13.</td>
<td>General Principles of Law: Interests and Difficulties of Students.</td>
<td>239</td>
</tr>
<tr>
<td>15.</td>
<td>Full-Time Law Lecturers: Numbers and Distribution.</td>
<td>299</td>
</tr>
<tr>
<td>Table No.</td>
<td>Subject</td>
<td>Page</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>16</td>
<td>Full-Time Law Lecturers : Legal Qualifications.</td>
<td>301</td>
</tr>
<tr>
<td>17</td>
<td>Colleges with Legally Qualified Staff.</td>
<td>303</td>
</tr>
<tr>
<td>18</td>
<td>Full-Time Law Lecturers : Difficulties in Appointment.</td>
<td>315</td>
</tr>
<tr>
<td>19</td>
<td>Part-Time Law Lecturers: Difficulties in Appointment.</td>
<td>343</td>
</tr>
<tr>
<td>20</td>
<td>Time Spent each week by Students on Legal Studies outside Lectures.</td>
<td>356</td>
</tr>
<tr>
<td>21</td>
<td>Preferences of Students regarding Notes.</td>
<td>377</td>
</tr>
<tr>
<td>22</td>
<td>Court Visits made by Students.</td>
<td>383</td>
</tr>
</tbody>
</table>
CHAPTER I

THE PLACE OF LAW IN FURTHER EDUCATION

(a) The Place and Aims of Further Education

Colleges of Further Education today occupy an important place in our educational system and their importance is likely to increase considerably in the future. In this context the term, College of Further Education, embraces all establishments provided by local education authorities in the performance of the statutory duty placed upon them for the first time by Section 41 of the Education Act, 1944. It includes a diversity of institutions ranging in size from the large College of Technology to the small local Technical Institute. These institutions offer a wide variety of courses in many fields, up to and beyond degree standard, and cater for all types of students, full-time and part-time, from the age of fifteen upwards. For the purposes of this study the term college will be used to embrace all these establishments and, for further details of
their organisation and work, reference may be made to the comprehensive survey of Dr. Venables.¹

Much has already been written and said about the aims and purposes of these colleges and this is not the place to pursue this matter in depth. The Robbins Committee, in discussing the aims and objectives of higher education, within which sphere the work of many of these colleges falls, stated that, 'There is no single aim which, if pursued to the exclusion of all others, would not leave out essential elements... To do justice to the complexity of things it is necessary to acknowledge a plurality of aims.'² Four essential objectives are suggested and discussed;³ instruction in skills, the promotion


of the general powers of the mind, the advancement of learning, and the transmission of a common culture and common standards of citizenship. The Report continues, 'Although the extent to which each principle is realised in the various types of institution will vary, yet, ideally, there is room for at least a speck of each in all.' 4

These aims or objectives cannot be given equal weight so far as Colleges of Further Education only are concerned. Instruction in skills tends to be of overwhelming importance whilst the advancement of learning or research, which is more prominent at the post-graduate stage, is a mere speck at all but a few of the larger colleges. If further summary is possible, it is suggested that the fourth aim of the Robbins Committee be merged into the second aim to constitute the furtherance of the students' general education, thereby enriching the society of which he is a member. We arrive therefore at two basic aims of further education.

The first of these aims is the furtherance of the students' general education 'to produce not mere specialists but rather cultivated men and women.' An attempt is made to broaden their outlook and to give them a greater knowledge and appreciation of the society in which they live, thereby enabling to live a more interesting and enjoyable life and to play a greater part in the development of that society. This includes the need to develop the students' reasoning power, clarity of thought and power of expression, both oral and written.

The second aim is to give vocational training in many fields as diverse as engineering technology and typewriting. The student thereby acquires the necessary skills for his chosen career. His employer, who, if he is already in employment, may have assisted with part-time day release or in some other fashion, receives the benefit of a more highly trained and more

valuable worker. Our society as a whole benefits for 'it must be recognised that in our own times, progress, and particularly the maintenance of our competitive position, depends to a much greater extent than ever before on skills demanding special training.'

Both of these aims should always be present although the emphasis may vary as between different courses. There is perhaps a tendency to concentrate more upon the second aim to the neglect of the first, in fact the expression, technical education, suggests this. Repeated efforts have been made in the past to correct this, for example, in the White Paper on Technical Education⁷ and the Ministry of Education Circular on Liberal Education in Technical Colleges.⁸ These efforts must continue.

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6. Ibid, p. 6, para. 25.
What is the part played by Law, the subject of this treatise, in this twofold purpose of education? From the educational point of view Law is extremely important, forming as it does the framework of our society and underlying so many forms of activity. Law is not a minority or local interest; it affects every one. Its intrinsic intellectual interest is as great as the light it can throw on the life of society. It can illustrate and illumine a wide range of other subjects such as politics, psychology, religion and ethics, and is an excellent source of material for logic, semantics and "expression". 9 Or, as Professor Hanson states, 'The Law is not only a social study; it is a social study of an established and disciplined sort and its scope is immense. It

evidently extends into ethics as much as into logic and language and analysis. It is as much concerned with anthropology as with history. And it deals with politics.' 10 He continues, 'The purpose of such a study (of Law) is the liberal education of the intelligent young man or woman who desires a better acquaintance of the society in which he (or she) is to live.' 11 Finally to quote Judge Charlesworth, 'Apart from its mental training, the Law touches life at so many aspects that its study cannot fail to have a humanising effect on the mind.' 12 The richness of the English common law makes for a considerably better fulfilment of this purpose than any codified system of law could hope to do.


11. Ibid. p. 11.

Sir William Blackstone began his famous Commentaries, first published in 1765, with a section entitled, 'on the Study of Law', in which he discussed the value of a knowledge of the law to various classes of people. Gentlemen of fortune, testators, jurors, justices of the peace, Members of Parliament and the nobility were all said to benefit from an acquaintance with the laws of the land and such knowledge would not come amiss to persons of inferior rank in the learned professions such as clergymen and physicians. Blackstone regretted the neglect of the study of law in this country, compared with the Continent and continued, 'For I think it an undeniable position that a competent knowledge of the laws of that society in which we live, is a proper accomplishment of every gentleman and scholar; a highly useful, I had almost said essential part of a liberal and polite education.'

Two hundred years afterwards these words are still true though to considerable greater extent for, in the meantime, the law has spread its ramifications into more and more aspects of society. Everyone, not only gentlemen and scholars, requires some legal knowledge during the course of their life and an elementary knowledge of law should be an essential ingredient of every adult's general education. Employment, the purchase of goods and houses, hire purchase, marriage, motoring, suffrage and death — the list is inexhaustible — are all affected by various legal rules. Law has become too important to be left entirely to lawyers.

During recent years interest in the law has greatly increased, stimulated by media such as the cinema and television, particularly the latter. There has even been a greater participation in the administration of the law if only through the volume of motoring offences passing through the Courts annually. In spite of this however, there are still too many people who regard the Law with apprehension
or incomprehension. This was referred to by Lord Evershed, Lord of Appeal in Ordinary and former Master of the Rolls, when addressing the annual conference of the Justices' Clerks' Society in May, 1963. He said that he was frightened lest the Law loses public respect because it may appear so remote in its nature and was worried lest the public came to regard the Law as a curious mystique of which the only beneficiaries were lawyers. A better knowledge of the Law would dispel some of this mysticism that now surrounds it and make people more aware of the legal implications and dangers in everyday life attaching to such things as home-made wills and hire-purchase agreements. A little learning is not necessarily a dangerous thing in this context for the greater the knowledge of the Law, the more readily are people likely to turn to a solicitor and perhaps thereby anticipate and avoid a difficulty. At the very least it could help to train people to use a library.

A related reason for studying Law is for the mental discipline and training it gives. Judge
Charlesworth puts this case for legal studies very precisely and forcibly. 'It insists on clear thought and accurate expression; it is based on reasoning, and reaches its conclusions only after both sides of the question have been put before it. . . . A study of law stimulates the intellect and emphasises the need for precision in thought, in speech and in writing - a need which is so often unfulfilled today'. He concludes his argument by stating that 'an accurate knowledge of the principles of law, and the study involved in their acquisition, embrace mental exercise and discipline which cannot fail to have enlarged the students' mental horizon, fitted him to distinguish the good reason from the bad and the sound argument from the fallacious, and enable him to focus that balanced judgment which is so necessary before any enterprise, whether great or small, is embarked upon.' 14

(c) **Law as a Vocational Subject.**

Vocationally, in the strict sense of the word, Law is almost entirely outside the field of Further Education since professional legal training in this country has been the monopoly of the Inns of Court and the Law Society. Nevertheless it has long been recognised that some legal instruction is a necessary ingredient of any course of business training. Dr. Schmittoff cites as an example the extensive law content of the syllabus at Haileybury, the training college of the East India Company in the middle of the last century. More recently the Carr-Saunders Report in 1949 and the McMeeking Report in 1959 linked Law with Accountancy,


Economics and Commerce as a basic business or commercial subject. For this reason the bulk of the Law teaching in Colleges of Further Education today is to be found in the Departments of Commerce, Business Studies and Industrial Administration in the multi-purpose colleges and in the specialised colleges of commerce.

The teaching of law to business students must not be considered in isolation but in conjunction with other business subjects and with business education generally. In many fields such as accountancy, surveying, insurance and company secretaryship the relevant legal provisions are so important that it is impossible to study other subjects satisfactorily or carry out professional work competently without understanding the legal implications. Thus a familiarity with the Companies Acts is a necessary concomitant of Accounting and Auditing. Similarly, 'It is impossible to give students aspiring to responsible positions in business an adequate account of commercial institutions and the moving forces of economics without explaining, in some detail, the
legal features of business transactions and the legal organization of business units'. 18

An entirely different approach is necessary in comparison with the teaching of law to law students, whether the latter be reading for a degree or for a professional legal qualification. The business students are of a different type and they have a different objective. Their studies will tend to be confined to one branch or a limited number of branches of law which are likely to be of value in their chosen field of business. Provided that these matters are borne in mind the term vocational aim will be retained for this aspect of law teaching.

The vocational aim of teaching law to business students is discussed in the two articles in Education and Commerce, to which reference has been made above,

18 Schmitthoff, C.M., loc. cit., p. 3.
by Dr. C.M. Schmitthoff and Judge Charlesworth, both eminent authorities in this field. The first purpose, described by Dr. Schmitthoff as the 'positive' purpose is to give the student some knowledge of legal institutions and to familiarise him with them. Judge Charlesworth develops this at greater length with many examples and stresses the necessity for the commercial man to have some knowledge of law if he is to attain any position of responsibility in his vocation. It is part of the technical education of the business man who requires a knowledge of law with every step he takes.

There is however, a second, but no less important purpose, called by Dr. Schmitthoff the 'functional' purpose. He describes this as the development of 'an awareness of legal potentialities and dangers, a habit of mind which should enable him, when he is engaged in his practical work, more or less sub-consciously to consider at the right moment the
legal implications of what he is doing and, if necessary, to call in the assistance of a qualified lawyer.' 19

There is too frequently an over-emphasis upon the 'positive' purpose by lecturers, students and examining bodies. The imparting and memorisation of facts for the purpose of passing examinations is too readily encouraged by the type of examination paper that is usually set. In an age when examination successes mean so much this outlook can be appreciated. All parties concerned should remember, however, that in the long run only a residue of specialised knowledge is likely to be retained and should not overlook the broadening influence of a satisfactory study of law and the development of interpretative or diagnostic faculties such study will bring. This is by no means an attempt to emulate the legal training received by future practitioners but it does mean that the law teaching

19 Schmitthoff, C.M. loc. cit., p.3.
should attempt to go a little further than the mere imparting of legal knowledge.

The vocational aim of law teaching, positively and functionally, is in no way an attempt to turn the business student into a pseudo-lawyer and obviate the need to use the services of legal practitioners. By the end of his training it is hoped that the successful student will know when and to what extent he can discharge a responsibility personally and when the warning light appears and he should turn to a specialist for legal advice. He should know how to avoid the more simple pitfalls and his chances of commercial or professional success should be enhanced by an awareness of the significant ways in which legal requirements underlie and affect commercial plans and intentions.
(d) The Scope of this Work.

The purpose of this study is an examination of the teaching of Law in Colleges of Further Education in England and Wales. Most of this teaching has a vocational purpose and the emphasis will in consequence be upon this aspect of the work. At the same time the educational purpose must not be forgotten for Law is being increasingly included in courses of liberal studies and a Ministry of Education Circular 20 recommends it as a suitable subject for this purpose. There is also the liberalising influence of Law even in business courses, for business students also come into contact with legal rules in their everyday lives. It is impossible to separate the two aims and classify courses accordingly for each course will contain an element of both.

Several colleges are now providing courses of

training for the legal profession and for Law degrees and others are offering courses of elementary law for the layman. An account of legal studies in further education must necessarily include some reference to this work. This study will not, however, include adult education classes provided by the universities, the Workers Educational Association and similar bodies although the classes in Law in this field are quite numerous. 21

Considerable changes have taken place in the last few years in further education and much greater changes are expected if the recommendations of the Robbins Committee are implemented. Insofar as Colleges of Further Education are affected, the Committee was concerned with full-time higher education and only passing reference is made in the Report to part-time study. Higher education is defined as including

21 In 1962 there were 194 Law classes of a varying nature - tutorial, terminal, sessional, residential and others - with 4,309 registered students.

(Statistics of Education, 1962, (H.M.S.O., 1963) Part 2, Table 30, pp. 82-5.)
systematic courses of further education beyond the Advanced level of the General Certificate of Education or beyond the Ordinary National Certificate or its equivalent.' 22 Thus a considerable proportion of the teaching of Law hereinafter considered fell outside the terms of reference of the Committee.

The object of the Robbins Report was to review and suggest possible lines of development for higher education as a whole and questions 'specifically related to particular fields of study' were deliberately excluded. 23 The ground covered by this work is one of these fields of study and Law is in fact referred to once only in the Report. Commercial Law is mentioned, in conjunction with industrial psychology, accounting, statistics and operational research, as a conspicuous example of an individual discipline relevant to business problems. It is

said to be a well-developed subject with a sizeable body of agreed principles and a readily accessible and intelligible literature, eminently suitable for study at first degree level, either in conjunction with courses in social studies or grouped with technology. 24

In spite of this single reference to Law this work must be read in the light of changes in further education consequent upon the possible implementation of the Robbins proposals. The structure of many courses may be altered but it is submitted that legal studies will still continue to play a considerable part in the pattern of further education.

CHAPTER 2
THE FIELD OF ENQUIRY

(a) Preliminary Observations.

During the last few years I have heard many vague generalisations regarding the teaching of law in Colleges of Further Education. Statements that the subject is badly taught, that most of the teaching takes place in evening classes, that the teaching is done predominantly by part-time teachers and that full-time lecturers rarely possess a legal qualification are put forward with little evidence in support. The subject is said to be one that can be crammed just before an examination. Some argue that the subject is relatively unimportant and deserves little attention and yet, since nearly all of the professional associations include Law in their examination schemes, the number of students involved must be comparable to those studying Economics and Accountancy which appear to receive more attention. Others maintain that Law
is important and is neglected. A cursory examination of some college prospectuses tends to support some of these propositions but this is not enough. Until definite information is available upon these matters it is impossible to decide whether such propositions are valid or not. Still less is it possible to proceed further and point out weaknesses in the present methods of teaching Law and make suggestions for improvement.

One point became obvious at the very beginning and that is that very little information is at present available. A reasonable amount has been written on the teaching of Law in universities, particularly in the Journals of the Society of Public Teachers of Law. A reasonable amount has been written on the teaching of other commercial subjects such as Economics and Accounts. There seemed an almost complete absence of information on every aspect of Law teaching in Colleges of Further Education. There seemed a particular absence of statistical information upon which any quantitative analysis of the situation depends, though this deficiency appears to apply
to many facets of higher education for the Robbins Report refers to this on several occasions. ¹
The purpose of this chapter is to outline the methods used to obtain some of this information and to attempt, partially at least, to fill this gap.

In order to ascertain the quantity and distribution of legal studies a questionnaire was sent out in June, 1962, to the Principals of 355 colleges in England and Wales where it was thought that legal subjects in some form or other might be taught. These colleges included Colleges of Advanced Technology, Colleges of Commerce, Technical Colleges and Colleges of Further Education. It is true that Colleges of Advanced Technology are now independent of local authority control but several have departments covering a range of business courses similar to those offered in regional colleges of technology and in colleges of commerce. They still retain strong local connections and for these reasons such colleges were included in the survey.

Colleges have many such demands made upon them from various quarters and this was borne in mind when drafting the questionnaire. The questions were
so worded that they could be answered in a few minutes by Yes/No answers or by ticks and yet at the same time an opportunity was offered to the college to give further information and views if it so wished. The questions were correlated so that information not given by one answer would perhaps be revealed by another.

The object of this questionnaire, a copy of which is attached as Appendix A, was to ascertain the number of colleges teaching legal subjects, the amount of such teaching by full-time and part-time lecturers, the courses which include Law that run or are offered and the difficulty or otherwise of staffing such courses. A prospectus was requested so that further information might be extracted if necessary. Colleges were also asked for the names of full-time members of staff engaged in the teaching of legal subjects so that a second questionnaire
with different questions could be sent to these lecturers at a later date. The replies to this second questionnaire were extremely useful in supplementing and clarifying the information already received from the colleges.

The response from the colleges was very good and I am extremely grateful for the assistance that I have been given. Many colleges supplied information far beyond the scope of the questionnaire, sent their good wishes for the success of the enquiry and offered further information or assistance should this be needed. Thus 130 colleges not only indicated the courses they offered that included legal subjects but gave detailed information of the number of students taking particular courses. Apart from the questionnaires that were not returned there were only two instances of a refusal to supply information.

Replies were received from 257 colleges or 72% of all colleges circularised. The statistics that
follow are based upon this more than adequate sample supplemented by information upon the other colleges obtained from prospectuses and from my own and colleagues' knowledge and experience. My belief in the accuracy of the statistics has been confirmed on several occasions when an estimate of the legal studies in a particular college has been subsequently confirmed by a late reply to the questionnaire.
(e) Methods and Opinions of Law Lecturers.

Questionnaire B was sent out during the second half of 1962 to 274 full-time lecturers in Colleges of Further Education in England and Wales who were engaged in the teaching of legal subjects, the names of these lecturers being obtained from the replies to Questionnaire A. This second questionnaire, a copy of which is attached as Appendix B, 3 sought details of the qualifications, experience and work of these lecturers and their views upon textbooks, library facilities, syllabuses, examinations and teaching problems and techniques.

Replies were received from 138 lecturers in 98 colleges, a sample representing 34% of all full-time law lecturers in 36% of all colleges where Law is taught. Table 1 shows how the replies were distributed amongst the different sizes of college and suggests

3 Infra p. 398.
<table>
<thead>
<tr>
<th>Size of College (by Weekly Class Hours of Law)</th>
<th>Total</th>
<th>50 &amp; Over</th>
<th>30-49</th>
<th>20-29</th>
<th>10-19</th>
<th>Under 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lecturers</td>
<td>Total numbers</td>
<td>65</td>
<td>25</td>
<td>30</td>
<td>36</td>
<td>48</td>
</tr>
<tr>
<td>No. of replies</td>
<td>15</td>
<td>48</td>
<td>32</td>
<td>29</td>
<td>48</td>
<td>60</td>
</tr>
<tr>
<td>Percentage of replies</td>
<td>23</td>
<td>30</td>
<td>55</td>
<td>55</td>
<td>36</td>
<td>50</td>
</tr>
<tr>
<td>Colleges</td>
<td>Total numbers</td>
<td>82</td>
<td>14</td>
<td>27</td>
<td>27</td>
<td>48</td>
</tr>
<tr>
<td>No. where lecturer(s) replied</td>
<td>52</td>
<td>24</td>
<td>23</td>
<td>12</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Percentage of replies</td>
<td>64</td>
<td>33</td>
<td>37</td>
<td>12</td>
<td>40</td>
<td>28</td>
</tr>
</tbody>
</table>
that the sample was a representative one. The only type of college where the proportionate number of replies was considerably lower than the average was where the amount of law teaching was less than five hours per week, the type of least importance for this purpose.

More detailed discussion with Law lecturers, both at my own and at other colleges, supplemented the replies to the questionnaire and provided additional information. This method was used particularly in the case of part-time lecturers where it was felt that the rather delicate nature of some of the questions would make them extremely reluctant to commit their opinions into writing.
(d) Professional Associations

A survey was made of 35 professional associations whose registered students are found in Colleges of Further Education. Only in the case of the larger associations are specialised courses of study offered at more than a few of the largest colleges. Students of the smaller associations may find courses offered in London and in larger provincial centres such as Manchester but in most cases if they desire oral tuition they must fit into whatever courses are available, possibly using certain classes to supplement study by correspondence course. With very few exceptions these associations have been most helpful in providing details of the legal portions of their syllabuses and in expressing their views upon the part played by Law in their examination schemes and work. One association stated that they welcomed my questionnaire for the task of preparing replies afforded them an opportunity to reflect upon some of their procedures.
The field covered was an extremely wide one. The survey included associations in the fields of banking, accountancy, transport, insurance, local government, export, advertising, surveying, auctioneering, distribution, and purchasing. (A list of the associations in question will be found as Appendix C). 4 One common factor was that 34 of these associations included one or more legal subjects in their examination schemes. The only body not to do so provides an examination at post-graduate level with a condition of entry that candidates should already have some acceptable professional qualification appropriate to their special field of work. It is expected therefore, that the overwhelming majority of candidates will already have studied those branches of law which are applicable to their various occupations. With increasing legislation in the field covered by this body it is expected that law will, in the future, play a larger part in its examination scheme.

4 Infra p. 400.
These associations have grown up over many years in many different fields as and when necessary to meet a demand for such a body. In consequence they vary tremendously in size, standing, objects, constitution and organisation and there is no established pattern of examinations. An attempt has been made to follow the practice of the majority of the associations and to divide each examination scheme into two parts. These parts will be referred to as Intermediate and Final, even though some associations use different names. The examination schemes may require the student to pass from twelve to twenty papers and up to six of these may be in legal subjects.

One difficulty was to define a legal subject for in many fields such as insurance and surveying Law tends to permeate the whole examination structure. The term 'legal subject' has, however, been confined to those subjects which require a systematic study of English legal institutions or of a prescribed body of statute or case law. Subjects such as
'Partnership Law and Accounts', 'Company Secretarial Practice' and 'Taxation', which have a strong legal content and yet where this is subsidiary to the principal object of study, are accordingly excluded. This procedure has, in fact, been followed throughout this work.

A further difficulty is the fact that these associations are continually making changes in their examination schemes and the number of students vary from year to year. In general, the position existing during the academic year 1962-63 is being considered though certain of the statistics have been drawn from the previous year.
(e) **The Attitude of Students**

In a survey of this nature it is not sufficient to concentrate entirely upon the 'official' attitude to legal studies put forward by colleges, by lecturers and by professional and other examining bodies. The attitude of the students is no less important and accordingly in May 1963, with the co-operation of my colleagues at the Manchester College of Commerce, an attempt was made to ascertain the views of students who were then completing at least one session of legal studies.

This was done primarily by means of two questionnaires, copies of which are to be found as Appendices D\(^5\) and E\(^6\), the first directed at those who were completing a course in General Principles of Law and the second for those who had been studying a branch of substantive law. Information was sought on their

5 Infra p. 402.
6 Infra p. 405.
use of, and views upon textbooks, library facilities, note taking and time available for study. They were also asked which parts of the course they found interesting, difficult and likely to be of use in their work, future legal studies or everyday life.

Students who were studying a branch of substantive law were asked if they had previously taken a course in General Principles and if so, whether they felt such a course had contributed towards their understanding of their present subject. If they had not taken such a course they were asked if they thought that an introductory course of this nature would have helped them.

Questionnaires were completed by 424 students, 250 of whom were taking full-time courses, 99, part-time day courses and 75, evening courses. The full-time students were taking Secretarial, Ordinary National Diploma, Professional, B.A. and B.Sc. (Economics) courses. The part-time day and evening students were following the usual range of professional courses
at both Intermediate and Final levels and also Higher National Certificate, LL.B. and Solicitors' Clerks' courses. In total, 262 of these students were taking a course in General Principles of English Law and 162 were studying a branch of substantive law.

These figures tend to give undue weight to full-time courses for certain part-time professional courses had finished and others were to near to their examination to use any of their already limited time for completing questionnaires. However, the numbers of students taking each type of course were sufficient for the purpose of obtaining representative views. In addition, it may well be true that the above proportions of students in full-time and part-time courses will represent the future rather than the present pattern of distribution in view of the steadily increasing numbers of full-time students.

The replies to the questionnaires have been summarised and are incorporated in the following text
where appropriate. Since not all the questions were answered by every student - for some courses, certain questions were inapplicable - their views will be expressed as percentages for I feel that this will present a clearer picture than the actual figures themselves.

As expected, there was the occasional facetious reply. If students can preserve their sense of humour and be jocular about a subject they have studied for a session this may not be a bad thing.

This information was supplemented by drawing upon an enquiry, carried out in November, 1961, at the Manchester College of Commerce, into the careers of former full-time students. Some three hundred students who had left at least two years previously were asked about their subsequent careers and their views upon their courses, as seen in retrospect. Comments upon their legal studies were made in several instances.
Finally, more detailed discussion was carried out with present and past students who were taking or had taken a wide variety of courses which included legal subjects. The results of these discussions cannot be classified but the conclusions are also embodied in the text.
(f) Other Sources of Information

In order to ascertain the relative importance of Law in comparison with other business subjects an analysis was made of the attendance registers of the Manchester College of Commerce for the session 1960-61. This provided a picture of what happened at a typical large college and at the same time gave some indication of what happens in the country as a whole. Apart from the question of availability the choice of a large college meant that the figures were not so likely to be affected by a sessional variation in the course pattern which often occurs in smaller colleges or by local characteristics such as the presence in the neighbourhood of a large firm which supports a particular type of course. A disadvantage of using these attendance statistics is the delay that occurs before they are available, but they are based upon classes that actually took place and not upon prospectus hopes or expectations.
To obtain a comprehensive view of the work in this field other enquiries were carried out of which the following are examples. The Council for Legal Education, the Law Society and the newly formed Institute of Legal Executives were approached for information upon the extent to which colleges provide courses for the legal profession and for their attitude to such courses. The various G.C.E. bodies were asked for their views upon the inclusion of Law as a G.C.E. subject. The Technical Teacher Training Colleges supplied information upon the number of teachers of legal subjects they had trained in recent years.

Information was sought and examination carried out of the Law papers offered by the Royal Society of Arts (R.S.A.), the London Chamber of Commerce (L.C.C.) and the five regional examining unions. The latter are the Union of Lancashire and Cheshire Institutes (U.L.C.I.) at Manchester, the East Midlands Educational Union (E.M.E.U.) at Nottingham, the Union of Educational Institutes (U.E.I.) at Birmingham, the
Northern Counties Technical Examinations Council (N.C.T.E.C.) at Newcastle-upon-Tyne and the Yorkshire Council for Further Education (Y.C.F.E.) at Leeds, although the last named began examinations only in 1963.

Only after the collation and analysis of the above information was it possible to make any definite statements regarding the extent and form of legal studies in Colleges of Further Education.
CHAPTER 3
THE EXTENT AND DISTRIBUTION OF LEGAL STUDIES

The Relative Importance of Law.

In order to ascertain the relative importance of Law in comparison with other subjects the registers of the Manchester College of Commerce were analysed for the session 1960-61. The results are summarised in Table 2.

It will be noted that there were 6,299 hours of lecturing in legal subjects during this session or, to express this in a different way, one lecture in every nine was devoted to a legal topic. This was exceeded only by Accounts and by Foreign Languages and since thirteen languages were involved in the latter group this is hardly a fair comparison. Out of a total enrolment of 5,540 students, 1,620 or almost 30% were taking at least one legal subject.

Full-time lecturers were responsible for 54% of

<table>
<thead>
<tr>
<th>SUBJECTS</th>
<th>SESSIONAL CLASS HOURS</th>
<th>%AGE OF TOTAL HOURS</th>
<th>%AGE TAKEN BY FULL-TIME LECTURERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts</td>
<td>8,048</td>
<td>14.6</td>
<td>65</td>
</tr>
<tr>
<td>Commerce</td>
<td>4,053</td>
<td>7.4</td>
<td>57</td>
</tr>
<tr>
<td>Economics</td>
<td>3,380</td>
<td>6.1</td>
<td>64</td>
</tr>
<tr>
<td>English</td>
<td>3,070</td>
<td>5.6</td>
<td>64</td>
</tr>
<tr>
<td>Foreign Languages</td>
<td>8,033</td>
<td>14.6</td>
<td>49</td>
</tr>
<tr>
<td>Geography</td>
<td>1,158</td>
<td>2.1</td>
<td>62</td>
</tr>
<tr>
<td>Government</td>
<td>1,545</td>
<td>2.8</td>
<td>59</td>
</tr>
<tr>
<td>History</td>
<td>2,385</td>
<td>4.3</td>
<td>60</td>
</tr>
<tr>
<td>Law</td>
<td>6,299</td>
<td>11.4</td>
<td>37</td>
</tr>
<tr>
<td>Management</td>
<td>2,286</td>
<td>4.1</td>
<td>63</td>
</tr>
<tr>
<td>Maths. &amp; statistics</td>
<td>2,293</td>
<td>4.1</td>
<td>78</td>
</tr>
<tr>
<td>Shorthand</td>
<td>3,959</td>
<td>7.2</td>
<td>66</td>
</tr>
<tr>
<td>Typewriting</td>
<td>3,672</td>
<td>6.6</td>
<td>64</td>
</tr>
<tr>
<td>Other Subjects</td>
<td>5,012</td>
<td>9.1</td>
<td>10</td>
</tr>
<tr>
<td><strong>All Subjects</strong></td>
<td><strong>55,155</strong></td>
<td><strong>100</strong></td>
<td><strong>54</strong></td>
</tr>
</tbody>
</table>
the College work but for only 37% of the Law lecturing. The only other subjects or groups of subjects where more than half of the work was in the hands of part-time lecturers were Foreign Languages and Other Subjects. This is to be expected, in the first case where so many different languages are offered, and in the second case where the work largely consists of highly specialised vocational subjects and part-time experts are a necessity. The comparison between Law and the other 'basic' commercial subjects of Accounts, Commerce and Economics is most striking.

Table 2 is an analysis of sessional class hours and, as a check upon its reliability, analyses upon other bases were made. These included weekly class hours, weekly class hours weighted by a number of students in the classes, and sessional student hours. The picture emerging in each case was very similar, the differences being small and explicable.

It is true that since this session the number
of full-time Law lecturers has been increased and a much smaller proportion of Law lecturing is now left to part-time lecturers. The same applies to other subjects however, and by the session 1962-63 the number of full-time Accountancy lecturers had doubled compared with 1960-61. There has been a similar increase in the number of full-time Economics lecturers not entirely accounted for by the development of the B.Sc. (Economics) Course.

These results are based upon one session's work at one large college but I feel they are sufficient to show the relative importance of Law. Let us now consider the extent of Law teaching for the country as a whole.
(b) **The Extent of Legal Studies.**

In 80 of the 355 colleges surveyed no Law, as such, is taught either because the college contains only technical departments or because it is concerned only with more junior work. Even in the first type of college, however, there are some aspects of Law necessarily covered in technical fields such as Mining and Pharmacy or included in Industrial Administration or Liberal Studies. The junior colleges inevitably touch upon Law in subjects such as Commerce and Bookkeeping. Many of these colleges also intend to introduce Law in the near future, usually in an Ordinary National Certificate or Diploma scheme.

There are at present 275 colleges in England and Wales teaching Law and the details will be seen in Table 3. In general, the quantity of Law teaching approximates to the overall size of the college. In 83 of these colleges (30%) the weekly class hours of legal studies total 20 or more and the employment of
**TABLE 3: QUANTITY AND DISTRIBUTION OF LEGAL STUDIES IN COLLEGES OF FURTHER EDUCATION**

<table>
<thead>
<tr>
<th>SIZE OF COLLEGE</th>
<th>Under 5</th>
<th>5-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-49</th>
<th>50 and OVER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COLLEGES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Numbers</td>
<td>82</td>
<td>56</td>
<td>54</td>
<td>30</td>
<td>27</td>
<td>26</td>
<td>275</td>
</tr>
<tr>
<td>Percentage</td>
<td>29.9</td>
<td>20.4</td>
<td>19.7</td>
<td>10.9</td>
<td>9.7</td>
<td>9.4</td>
<td>100</td>
</tr>
<tr>
<td><strong>Weekly Class Hours of Law:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day</td>
<td>107</td>
<td>207</td>
<td>403</td>
<td>391</td>
<td>541</td>
<td>1,575</td>
<td>3,224</td>
</tr>
<tr>
<td>Evening</td>
<td>143</td>
<td>168</td>
<td>322</td>
<td>306</td>
<td>397</td>
<td>1,254</td>
<td>2,829</td>
</tr>
<tr>
<td>Total</td>
<td>250</td>
<td>375</td>
<td>725</td>
<td>697</td>
<td>938</td>
<td>2,829</td>
<td>5,814</td>
</tr>
<tr>
<td>Percentage</td>
<td>4.3</td>
<td>6.5</td>
<td>12.5</td>
<td>12.0</td>
<td>16.2</td>
<td>48.5</td>
<td>100</td>
</tr>
<tr>
<td><strong>Percentage of Hours in Day</strong></td>
<td>42.8</td>
<td>55.2</td>
<td>55.6</td>
<td>56.0</td>
<td>57.6</td>
<td>55.7</td>
<td>55.8</td>
</tr>
</tbody>
</table>
one or more specialist lecturers teaching no other subjects but Law would be justified. In a further 54 colleges (20%) there are between 10 and 20 weekly class hours and here again the appointment of a Law lecturer would be justified provided that in some of these colleges he was prepared, and able, to lecture for a small part of his timetable upon some other subject. Thus 137 colleges should have at least one full-time member of staff responsible for legal studies. In many colleges a considerable increase in the demand for legal subjects was anticipated during the next few years. If this is so, there will be another 56 colleges with at present between 5 and 10 weekly class hours of Law rapidly moving towards the position where a full-time Law appointment will be justified.

Table 3 also shows that the weekly class hours of Law in all colleges now amount to 5,814 with almost 50% in the 26 largest colleges. Apart from the smallest group of colleges the relationship between the day and evening loads is fairly constant for other colleges at a ratio of approximately
55:45. This disproves the view that I have heard expressed on several occasions that Law teaching tends to be mainly evening work and therefore it is reasonable to rely upon part-time teachers. Even in the group containing the smallest colleges over 40% of the Law teaching is in the day.

In the next few years it is expected that the total quantity of Law teaching will grow considerably but, with more full-time classes and more part-time day release, there is likely to be a greater emphasis upon classes during the day. The evening work may not diminish quantitatively but will form a smaller proportion of the work being carried out.
Further education relies to a greater extent on part-time teaching help than any other sector of the educational system and, as Table 4 shows, in the case of legal studies 60% of the total hours are taken by full-time lecturers and the remainder by part-time lecturers. In all institutions of further education 70% of the teaching is carried out by full-time teachers whilst in the fields of Commerce and Management, into which group almost all legal studies fall, the proportion is 60%. It would appear therefore that Law does not differ greatly from other subjects in this respect. These overall figures are, however, obtained from a survey of a limited number of colleges and exclude the Colleges of Advanced Technology where the percentages are greater.

2. Ibid, Appendix III, Table 1, p. 110.
<table>
<thead>
<tr>
<th></th>
<th>SIZE OF COLLEGE (By Weekly Class Hours of Law)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under 5</td>
<td>5-9</td>
<td>10-19</td>
<td>20-29</td>
<td>30-49</td>
<td>50 and over</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>(1) Weekly Hours taken by:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time Lecturers</td>
<td>134</td>
<td>237</td>
<td>482</td>
<td>453</td>
<td>621</td>
<td>1,584</td>
<td>3,511</td>
<td></td>
</tr>
<tr>
<td>Part-time Lecturers</td>
<td>116</td>
<td>138</td>
<td>243</td>
<td>244</td>
<td>317</td>
<td>1,245</td>
<td>2,303</td>
<td></td>
</tr>
<tr>
<td>Percentage of Hours taken by:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time Lecturers</td>
<td>53.7</td>
<td>63.2</td>
<td>66.2</td>
<td>65.0</td>
<td>66.3</td>
<td>56.0</td>
<td>60.9</td>
<td></td>
</tr>
<tr>
<td>(II) Number of Colleges relying upon Part-time Lecturers for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All of the work</td>
<td>22</td>
<td>7</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>50% and over</td>
<td>29</td>
<td>17</td>
<td>15</td>
<td>6</td>
<td>5</td>
<td>12</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td>Under 50%</td>
<td>31</td>
<td>32</td>
<td>36</td>
<td>23</td>
<td>22</td>
<td>14</td>
<td>158</td>
<td></td>
</tr>
</tbody>
</table>
They include subjects where there is a much greater proportion of evening work than is the case with Law, for example Shorthand and Typewriting, and it is with evening courses where the part-time teacher is generally found. Compared with subjects taught at comparable levels and in comparable classes, such as Economics and Accountancy, the figure of 60% as the full-time teachers' share of the work appears to be low. To maintain parity with such similar subjects the percentage should be at least 70%, and possibly be nearer to the 80% mentioned in the Robbins Report itself as the share of advanced teaching in further education carried out by full-time teachers.  

An alternative approach to the question of whether or not legal subjects rely too much upon part-time lecturers is summarised in Table 5. It will be seen that in further education as a whole the ratio of part-time to full-time lecturers is in the order of 2.3 whilst for legal subjects alone this rises to 3.9.

### Table 5: Relationship Between the Numbers of Full-Time and Part-Time Lecturers

| All Establishments of Further Education |  |  
|---|---|---|---|
| No. of Lecturers | 24,638 | 57,800 | 2.3 |
| Legal Subjects: |  |  |  
| Total Weekly Hours | 3,511 | 2,303 |  
| Average Weekly Hours per Lecturer | 19.2 | 3.2 |  
| No. of Lecturers | 183 | 722 | 3.9 |

**Notes:**

1. For numbers of lecturers in establishments of Further Education and average teaching hours, see Report of the Committee on Higher Education, 1965, Appendix III, pp. 109, 122 and 123.

Table I, supra p. 30, shows that there are 406 full-time lecturers teaching legal subjects and the figure of 183 represents the 'full-time lecturer equivalent' of the total hours attributed to these lecturers.
This suggests a considerably greater reliance upon part-time assistance than many other subjects.

It is interesting to note from Table 4 that the two groups of colleges relying more upon part-time lecturers are those containing the smallest and the largest colleges. As previously noted, the group containing the smallest colleges has the highest proportion of Law teaching in the evening. In addition, the limited numbers and qualifications of the staff in small colleges makes the appointment of a lecturer who can offer Law as a teaching subject something of a luxury in view of the small amount of such teaching. The group containing the largest colleges, on the other hand, consists of large colleges in London and the other large towns where barristers' chambers are to be found and young barristers are available as part-time lecturers both in the day and in the evening. By the use of these part-time lecturers it is possible to create vacancies in the college establishment which can be filled by appointing full-time lecturers in other subjects.

4. Supra Table 3, p. 49.
The second part of Table 4 supports the view, expressed in the previous paragraph, that the part-time lecturer is relied upon more in the smallest and in the largest colleges. Over the country as a whole there are 32 colleges where the part-time lecturer is relied upon to cover all the Law teaching and in a further 84 colleges for 50% or more of the work.

I feel that more of the Law teaching should be placed in the hands of full-time members of staff wherever possible. Theoretically, if all of the teaching in the day, when part-time lecturers are hard to find, were placed in the hands of full-time lecturers, and it is assumed that each lecturer teaches for 20 hours each week and that five of these hours are in the evening, the class hours taken by full-time lecturers could be raised to 80% of the total. This is not practicable since many of the smaller colleges with staffing difficulties would not find this possible and part-time lecturers are sometimes necessary for certain specialist subjects.
It is interesting to note, however, that Holborn College with by far the greatest number of weekly class hours has 80% of these hours taken by full-time members of staff.

If the increase were only half of this possible maximum and 70% of class hours were taken by full-time lecturers it would mean that 25% of the part-time lecturers could be dispensed with. Colleges could be more selective in their part-time appointments with a consequent rise in the standard of Law teaching. I do not feel that 70% is an unreasonable figure since in colleges where the hours of Law teaching were from 10 to 49 hours each week there was 65% or more of the hours in the hands of full-time teachers. This suggests, and in actual fact it was the case, that many colleges in these groups had passed this 70% mark.
Only three colleges have so far established Departments of Law although more are likely to be created in the course of the next few years. At Holborn this is a large department with 25 full-time and over 30 part-time Law lecturers though some of the latter have time-tables considerably exceeding that of an average part-time lecturer. There are nearly 400 full-time students following LLB., courses mainly from overseas, and double this number of part-time students. As well as the Department’s own courses for the LL.B., Bar and Law Society Examinations and other special courses, there is a considerable amount of work in servicing legal studies classes in the Department of Commerce. The newly created Department of Law at the Manchester College of Commerce follows similar lines, its basis being the full-time LL.B. Course and the Law Society courses for which it is a recognised Law school. The Department of Legal Studies at Birmingham College
of Commerce however, is primarily a service department with very few students following courses consisting only of legal subjects.

In most colleges where the amount of work does not justify the establishment of a separate department, legal studies become one of the many other duties of the Head of the Department of Commerce or Business Studies. Very infrequently the senior lecturer in Law is given some definite responsibility for the co-ordination of Law teaching. Such co-ordination is highly desirable in view of the importance of the subject and the great reliance upon part-time lecturers. There is much to be done in connection with syllabuses, examinations, teaching methods and material, textbooks, Court visits and library and very rarely is there any systematic organisation of these matters, neither is any allowance made on the lecturers' teaching programmes.

Many colleges with insufficient work to justify a separate department could, with advantage, adopt
the method used at Balham and Tooting where a Law Tutorial Committee under the chairmanship of the senior lecturer in Law and composed of all tutors in legal subjects co-ordinates the teaching of the subject throughout the three departments of the college. Another development in this field is the establishment of a study group at the Manchester College of Commerce composed of full-time lecturers in Law for the purpose of examining the ways in which legal studies could play a greater part in the work of the College and its related activities. Several exploratory meetings have been held and it is hoped to develop some of the ideas put forward in the near future.
(e) **Courses containing Legal Subjects**

In the following four chapters the courses offered by colleges which include at least one legal subject will be examined in some detail. It would appear that at present there are over 30,000 students undertaking some form of systematic legal study, representing between 2% and 3% of all students in establishments of further education. In addition there are many others in whose work Law plays some part, either in a course of Liberal Studies or as a necessary accompaniment to a study of some technology.

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5. During the session 1962-63 there were 1,433,726 students in the Colleges of Advanced Technology, Regional Colleges and other major establishments of further education, in all, 542 Colleges. *(Statistics of Education, 1962, Part 2, Table 9, p.43).*
CHAPTER 4

NATIONAL CERTIFICATE AND PROFESSIONAL COURSES

This chapter will be concerned with the Law content of National Certificate and Professional Courses. The two can be conveniently considered together since they contain the same type of student and a Certificate is often the first step towards a professional qualification. In some colleges the courses are combined and students are aiming at the two objectives concurrently.

(a) National Certificate and Diploma Courses

The Ordinary National Certificate in Business Studies was introduced in 1961 to replace the Ordinary National Certificate in Commerce. It is a part-time course of two years' duration requiring attendance on two half days or two evenings each week. Law is included in some 95% of these courses, partly for the inherent value of the subject itself as a basic
business subject and partly to obtain subject-for-subject exemption from the Intermediate examinations of professional bodies. The usual field of study is that covered by a typical syllabus in General Principles of English Law and occupies about one and a half hours per week in at least one year of the course. The Ministry of Education favour the second year but a few colleges include it in the first year and follow it with the Law Relating to Commerce, elementary commercial law, in the second year. The examinations are either college internal, externally assessed in the second year, or those of the Royal Society of Arts or the regional examining unions.

There are 206 colleges offering such a course with Law on a part-time day basis and the number of students amounts to 2,176. In the evening there are 177 colleges with 3,076 students.¹

¹. In the session 1962-63 there were 11,293 students enrolled for Ordinary National Certificate Courses of whom 11% were girls. (Statistics of Education, 1962, Part 2, Table 16, p.62.) This includes both years of the course, only one of which usually contains a legal subject.
A further development in this field is a full-time two-year course for the Ordinary National Diploma in Business Studies. More subjects are studied and for girls it is usual to include Shorthand and Typewriting. A little more time is devoted to Law than on the part-time Ordinary National Certificate Course and the subject appears quite often in both years of the course, though frequently as an optional subject to, for example, a foreign language. There are now 94 colleges offering this course with Law and 1,559 students are involved. Three colleges reported that this course was offered on a sandwich or block release basis but only 45 students had been enrolled.

At this level there are therefore 6,856 students.

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2. In the session 1962-63 there were 2,470 students enrolled for Ordinary National Diploma Courses of whom 81% were girls. (Statistics of Education, 1962, Table 16, p. 61). Some of these students would have chosen not to take Law, at least not in both years of the course.
studying Law, for the most part General Principles of Law. Numbers, particularly on Ordinary National Diploma Courses, are likely to increase considerably over the next few years.

Details of the Higher National Certificate and Diploma Courses are more difficult to obtain since the position is extremely fluid at the present time. These courses arose out of a merger of the old Higher National Certificate in Commerce with the Intermediate Certificate in Management Studies, and are of two or three years' duration, may be full-time, part-time or sandwich and usually include at least one legal subject from Commercial, Industrial and Company Law. Students who have not previously studied Law in an Ordinary National Course or elsewhere will almost invariably precede this study by one of General Principles of Law in a preliminary or 'conversion' year for the Higher National Certificate or in the first year of a Higher National Diploma Course. In the session 1961-62 there were some 37 colleges
offering these courses with at least one legal subject and 592 students had been enrolled. Here also a considerable increase in numbers is expected during the next few years particularly with full-time and sandwich Higher National Diploma Courses.

If, however, a new range of pass degree courses is introduced under the auspices of the proposed Council for National Academic Awards the Higher National Diploma Courses would probably be rendered superfluous. The Higher National Certificate on the other hand is likely to continue in view of the demand for part-time courses at this level. Such changes in the general course and examination structure

3. In the session 1962-63 there were 359 enrolments for Higher National Diploma Courses and 2,355 for Higher National Certificate Courses. (Statistics of Education, 1962, Part 2, Table 15, pp. 56-7.) Although by no means all of these would be studying a legal subject this does give some indication of the rate of growth.

would not, however, involve any considerable changes in the quantity, nature and standard of legal studies compared with the present position.

To conclude this section on national certificates, reference must also be made to specialised certificates in the field of retail distribution though the number of students involved is relatively small. The scheme for the National Retail Distribution Certificate is largely in the hands of the regional examining unions under the auspices of a National Joint Committee but the examination at the end of the second and final year of the course is conducted by the City and Guilds of London Institute. Elements of English Law is a somewhat curious alternative in the second year of the course to the subject, Display, and the contents of the syllabus approximate to what one might expect in a syllabus of this name. A note states that special reference will be made to the needs of retailers and to this end a section is included devoted to the Sale of Goods Act, 1893.
This course is complete in itself or may serve as an introduction to a more advanced course in retail management such as the Certificate in Retail Management Principles. This is also a two-year course operated by the City and Guilds of London Institute under the auspices of a National Joint Committee and English Law is one of the four second year subjects. The syllabus is very extensive, in fact almost frightening, for it includes general principles, contract, tort and employment, as well as a study of a number of statutes such as the Sale of Goods Act, the Companies Act and the Cheques Act. There is also a considerable duplication of subject matter contained in the syllabus for the more junior certificate and a re-distribution of topics between the two syllabuses would be desirable so that students proceed from a study of general principles to a more specialised study of the Law relating to retail management later. Alternatively, Law could well be omitted from the first certificate where it is perhaps over-emphasised in such a specialised field and retained only at the management stage.
(b) **Extent and Nature of Legal Subjects in Professional Examinations.**

The part played by the colleges in preparing students for the Law papers of professional associations must be considered in relation to these examinations as a whole and a survey of the latter will be attempted in this section.

The number of students sitting annually for the Law papers of the 34 professional associations under consideration amounts to 28,000 at Intermediate level and 22,500 at Final level. One would have expected a much greater difference between these two figures since the Intermediate tends to be a 'weeding-out' examination and many students never pass on to the Final. The reason probably lies in the fact that a considerable number proceed directly to the Final, securing exemption from the Intermediate by Ordinary National Certificate, college sessional examination or some other external examination.
Table 6 shows the numbers and types of Law examinations set by these associations. In total, the 34 bodies set 236 Law papers annually, the number of worked papers amounting to over 65,000, giving an average of 277 candidates for each paper. Twelve of these bodies set examinations twice each year so in their case the numbers of Law papers are duplicated. More papers were set at Final level where students tend to specialise in that branch of Law relating to their own particular profession. The relatively large number of Miscellaneous papers includes subjects such as Law of Electricity Supply, Agricultural Law, Health Service Law and the Law relating to Co-operative Societies which are offered as alternative subjects by some bodies. The number of students is very small, however, and they are of no real importance so far as colleges are concerned.

Not revealed by the table is the fact that one association has a special Legal Associate Membership examination consisting of two written papers and an
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>22</td>
<td>8,992</td>
<td>695</td>
<td></td>
</tr>
<tr>
<td><strong>Intermediate</strong></td>
<td>15</td>
<td>5,899</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>1,600</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2,500</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Final</strong></td>
<td>7</td>
<td>1,900</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>2,000</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>1,180</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>General Principles</strong></td>
<td>6</td>
<td>6,050</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td>8</td>
<td>9,580</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Banking</strong></td>
<td>5</td>
<td>7,480</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Insurance</strong></td>
<td>3</td>
<td>2,500</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Transport</strong></td>
<td>7</td>
<td>2,870</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Contract</strong></td>
<td>4</td>
<td>1,600</td>
<td>1</td>
<td></td>
</tr>
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<td><strong>Property</strong></td>
<td>3</td>
<td>1,500</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Succession</strong></td>
<td>5</td>
<td>5,000</td>
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<tr>
<td><strong>Miscellaneous</strong></td>
<td>14</td>
<td>1,224</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>84</td>
<td>33,799</td>
<td>31</td>
<td>510</td>
</tr>
</tbody>
</table>
oral examination. The latter is most interesting for it is the only instance of an oral examination in legal subjects that has been revealed. Unfortunately it has not been possible to obtain any further details about this or the form that it takes.

The Table shows clearly the importance of General Principles of Law, particularly at Intermediate level. This subject is taken by 21,574 candidates or 33% of the total. If the special subjects in the field of Commercial Law such as Company Law and Law of Banking are grouped with the general Commercial Law papers the total number of students in this category amounts to 26,574 and over 40% of the total. Thus three out of every four papers are concerned with General Principles or some aspect of Commercial Law.

The pass rate over all subjects for Intermediate examinations varied from 25-70% with a mean of about 48% whilst at Final level it varied from 36-80% with a mean of about 52%. There appeared to be no material difference between the pass rate in legal subjects
and in other subjects. Of the bodies reporting on this point seven stated that it was higher than in other subjects at a particular stage and seven that it was lower. Only in two cases was there any significant difference. One body commented that ‘more students tend to pass at the first attempt in Accounts, Office Organisation and Statistics where their own practical experience may often come to the aid of the theoretical application. It may be supposed that Law and Economics are more remote and require greater mental effort in the examination room which is not always forthcoming.’

Pass rates by themselves are of course no real guide as to the difficulty of the subject and must be looked at in relation to the standard expected from candidates. There is reason to believe that some bodies, consciously or otherwise, do not always insist upon as high a standard in legal papers as in other papers such as Accounts. This belief is based upon my experience and the opinions of colleagues and acquaintances who have successfully taken professional
examinations with a considerably smaller amount of preparation and a much lower standard of examination script in legal than in certain other subjects. If Law is considered to be important enough to be included a reasonable standard should be set and to depart from this suggests weakness perhaps in the syllabus or examination paper.

This problem also arises in connection with the question of whether or not the legal papers are given equal weight with other papers in deciding if the candidate should be given a pass in the examination as a whole. Of nineteen bodies who gave information on this matter, fourteen stated that equal weight was given whilst five stated that certain of the more 'vocational' papers were given greater weight. Whilst not doubting the truth of these statements the same argument regarding standard of marking mentioned in the previous paragraph applies equally here.
(e) **Methods of Study of Professional Students.**

Only a proportion of the students of these professional associations prepare for the examinations by means of classes held in Colleges of Further Education. From the information supplied by these associations it would appear that at Intermediate level there are about 11,000 attending college Law classes, slightly less than 40% of the total number. At the Final stage there are some 4,300, just under 20% of the total number.

These figures are only approximations since many of the bodies have no precise information regarding the method of study adopted by their students. They do, however, correspond fairly closely to the statistics obtained from the colleges, a completely independent source, which showed 10,834 attending Intermediate Law classes and 4,347 attending Final Law classes. The part played by the colleges in preparing students for these examinations can be seen from Table 7.
<table>
<thead>
<tr>
<th>Type of Course</th>
<th>Intermediate</th>
<th>Final</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of Colleges</td>
<td>Nos. of Students</td>
</tr>
<tr>
<td>Full-Time</td>
<td>35</td>
<td>1,352</td>
</tr>
<tr>
<td>Sandwich or Block Release</td>
<td>8</td>
<td>166</td>
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<tr>
<td>Part-Time Day</td>
<td>100</td>
<td>2,916</td>
</tr>
<tr>
<td>Evening</td>
<td>173</td>
<td>6,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>10,834</strong></td>
<td></td>
</tr>
</tbody>
</table>
Many of the associations make no official pronouncements on recommended methods of study, the choice being left to the students in the light of personal circumstances. In certain cases a correspondence course is inevitable where the student lives in some outlying district or where the numbers of students for some of the more specialised vocational legal subjects makes it impossible for all but the largest colleges to offer a course. Such subjects also make it difficult for colleges to find suitable lecturers. Many associations recognised these problems.

Four of the associations make a definite recommendation for study by correspondence course but the reasons advanced are far from convincing. Such reasons as 'students find a correspondence course convenient and satisfactory', 'classroom teaching is generally inappropriate', and 'classes interfere with the practical side of the students' work' are not sound arguments against study in colleges.
On the other hand no less than fifteen associations stated a preference (officially or unofficially) for study in colleges, and encouraged this by such means as the granting of sessional examination concessions to recognised teaching institutions and the publication to registered students of the availability of college courses.

There is little evidence on the comparative results obtained by colleges and correspondence schools. If anything the latter tend to be slightly better but, given determined application, students trained by both methods can obtain satisfactory results. Results should not however be the sole criterion of the value of a particular method of study.

The Robbins Report criticised correspondence courses more upon lack of humanistic breadth and narrow technicality and stated that, 'A lawyer, an accountant or a company secretary trained in this way was not likely to be lacking in professional
knowledge as compared with his counterpart who had passed through a university or some other institution of higher education. But he was perhaps less likely to be sensitive to the general implications of his subject, and for that reason less aware of the currents of change.\textsuperscript{5} This is particularly apposite so far as the legal studies are concerned. There is a considerable difference between passing examinations by rote memory of legal rules and passing them with a real understanding of the subject and its circumstantial relationships.

With the changing pattern of national education, in particular the increase in full-time and part-time day classes, the colleges are likely to cater for an increasing proportion of professional students. Several associations reported that the college method of study is now rising to the exclusion of correspondence courses and this tendency is expected to continue as

\textsuperscript{5}\textit{Report of the Committee on Higher Education, 1963, p. 167, para 512.}
associations extend the range of exemptions given to students on the basis of qualifications obtained in the colleges. This is welcomed by the Robbins Committee. Even so, there are only two students in five attending Intermediate Law classes and this drops to one in five at Final level. Why should these proportions be so small?

The reason may be partly due to the colleges. Poor teaching and discontinuance of small classes may discourage many students. More important though is the variety of syllabuses put forward by professional bodies for the same subject which makes it difficult for colleges to arrange classes to cover all the ground required by the different associations. Even if the more specialised legal subjects are excluded there are still 21,574 students annually requiring classes in General Principles of Law and 11,521 requiring Commercial Law. If common syllabuses were adopted for these two subjects alone, all but the very small colleges should be able to provide classes. The

associations recognise this problem and yet, whilst wanting to encourage college classes, do little to make such classes possible. Some progress is being made through the National Certificate schemes but very slowly.
(d) **Relations between the Colleges and Professional Associations.**

Close contact is maintained by most associations with colleges offering courses for their students and most appear anxious to develop this contact still further at either local or national level. Colleges are supplied with syllabuses, notes of syllabus changes, journals, examiners' reports and copies of examination papers. Visits are made by members of the staffs of the associations to colleges to receive suggestions and complaints and to discuss matters of mutual interest, the limitation being staff time and effort. In 1961, the Secretary of one body visited 62 colleges. Members of the associations serve on college governing bodies and advisory committees and invitations of this nature are usually welcomed. In one extreme case the London branch of an association has formed an Education Consultative Committee whose members visit classes and report on the work of the teachers. Although
these teachers are almost invariably members of the association such 'inspection' seems a little overzealous. This association assists with the provision of lecturers and has also published a booklet on teaching techniques, the object of which is to attempt to raise the standard of part-time teaching.

More might be done perhaps in the opposite direction by inviting college representatives to sit on the governing bodies and committees, particularly the education committees of the associations. Only two bodies stated that this was deliberately done and although this takes place in other cases the principal or lecturer concerned is a member by virtue of his professional membership and not as a college representative. One association has recently held a conference of members who are lecturers in colleges and in view of its success envisages further such meetings.

Most associations had little comment to make upon the standard of law teaching in colleges. It is doubtful though, if students' complaints regarding the lecturing in a particular college would usually
be addressed to the associations and where complaints are made it is often difficult to distinguish between constructive criticism and argument prompted by other than completely objective viewpoints.

One body stated that, in the opinion of its Examiners, the standard of tuition in Law subjects in colleges was uniformly high. Another drew attention to the fact that the difficulty of finding suitable lecturers sometimes led to the appointment of young barristers and the demands of their practice tended to interfere with their lecturing, a matter discussed in greater detail in a later chapter. The attempt by some colleges to combine small groups of students on different Law syllabuses, with the result that no one group gains complete satisfaction, was also raised but this matter is also dealt with elsewhere.

The Examiners' Reports provide evidence of common errors made by candidates and some of the

7. Infra p. 336 et seq.
8. Infra p. 211.
complaints made here could be the result of bad teaching. The mark distribution by examination centre occasionally provides a guide to the shortcomings on the part of a teaching body which can be investigated by the association on an official basis.
(e) **Value of Legal Subjects to Professional Students.**

The professional associations were asked if they included legal subjects in their examination scheme primarily for their inherent practical value or more as a background of general education or commercial knowledge. They were also asked if their experience suggested that any particular sections of the Law syllabuses were of greater practical value than others.

As expected, the replies varied and several of the associations stated that they looked upon Law as having both practical and general educational value and that it was difficult to analyse the precise demarcation between these two objectives. In general, the Intermediate papers are designed to be of more general educational value whilst the Final papers have a more practical aspect and are intended to be directly related to the candidates' future careers. Similarly, the wider syllabuses of General Principles of Law, usually found at Intermediate level, and of
Commercial law tend to be included as background subjects whilst the more specialised syllabuses in such fields as Company Law and Transport Law are intended to be more vocational. There was perhaps a tendency to over-emphasise the practical value of their Law papers by certain associations.

The replies to the second and subsidiary question depended upon the nature of the professional association. Thus, accountancy bodies stressed Bankruptcy and Company Law; a knowledge of the rights, duties and liabilities of transport undertakings in relation to their customers is important to those engaged in the transport and carriage of goods; and an understanding of building and civil engineering contracts and the application of arbitration thereto is essential for surveyors.

The replies of associations on these questions showed that in theory at least the purpose and value of legal studies was appreciated. Whether this is put into practice through syllabuses and examination papers
is a different matter and will be considered later.\footnote{Infra p. 209 et seq.}

Students and past students were also questioned as to whether or not they had used any knowledge acquired during their legal studies in their work. It is difficult, if not impossible, to draw any conclusions from the answers since so much depends upon the nature of the work and this varied greatly. In general, however, banking students tend to use this legal knowledge as much as, if not more than, other types of students.
(a) A General Survey.

The larger colleges have for many years offered evening courses in preparation for the external degrees of London University. A comparatively recent development arising out of the shortage of university places has been the provision of these courses on a full-time basis. Although such courses will probably increase during the next few years there may be an ultimate decrease as more university places become available. At the present time there are about 1,200 degree students taking legal subjects in Colleges of Further Education.

For the purpose of this work the most important courses are those in preparation for the LL.B. These courses are offered by eighteen colleges, mainly in the evening, though six offer full-time courses and three offer courses on a part-time day.
basis. There are between 700 and 750 students concerned, with approximately half of these in attendance at one college.

Three years' study is now required for the full-time LL.B. student and five years for the part-time student. Three examinations must be passed, each consisting of four papers. In the Intermediate Examination all subjects, Roman Law, Constitutional Law, English Legal System and Contract are compulsory. In Part I of the Final the candidate may select one optional subject together with Criminal Law, Tort and Trusts, and in Part II, three optional subjects together with Jursprudence and Legal Theory. The choice of optional subjects must be made from a list of fourteen subjects. The Regulations not only suggest textbooks but also the periodicals in which articles on recent developments in a particular subject are likely to appear. For the Mercantile Law paper candidates are supplied in the examination room with copies of the Sale of Goods Act, 1893, the Factors Act, 1889, the Hire Purchase Acts,
1938-54, and the Bills of Sale Acts, 1878-82. Further discussion of the LL.B. will be deferred until later in this chapter.1

B.Sc. (Economics) Courses which include legal subjects are to be found in thirteen colleges with about 450 students and there appear to be a much greater emphasis here upon full-time study than there is with the LL.B. Courses. Under the revised regulations which operate as from examinations in 1963 candidates may sit for up to three Law papers in the complete examination.

There are two legal subjects in the list of Alternative subjects for the Part I Examination, English Legal Institutions and Elements of International Law. In Part II, two of the special subject groups contain a compulsory Law paper and in a further six a Law paper is optional. These papers are Elements of Commercial Law, Banking Law, International Law, Constitutional and Administrative Law, and Law of Labour and Social Insurance as part

1. Infra p. 98.
of the Labour paper. The syllabuses are reasonably comprehensive and self-explanatory and, except in the case of Banking Law, textbooks are recommended. Candidates are strongly advised not to select a Law paper in Part II unless they have already taken English Legal Institutions in Part I or have previously studied English Law. For the paper in Elements of Commercial Law candidates are supplied in the examination room with copies of the Partnership Act, 1890, the Sale of Goods Acts, 1893, and the Companies Act, 1948.

B.A. (General) courses with Law as one of the three possible subjects were found in two colleges though these courses are likely to spread to more colleges if the shortage of university places remains acute. Only some twenty to thirty students are involved at present. Three papers must be taken, two of which, English Legal Institutions and Contract and Tort, are compulsory. The third subject must be chosen from British Constitutional Law, Public International Law, Criminal Law and Law of Real
Property. Reading lists are provided in the Regulations and, as with LL.B. students, the University of London issues extremely useful booklets as part of its Advisory Service for External Students. These booklets include advice upon methods of study, particularly of cases, reading and examination techniques, both for Law studies generally and for the study of individual subjects.

No courses in preparation for the B.Sc. (Estate Management) have been encountered but since this study has been concerned largely with commercial education it is possible that such a course may be offered occasionally by a large College of Building. The First Examination for this degree includes a paper on the English Legal System, but with a natural emphasis upon the Law of Real Property, and both parts of the Final contain papers upon the Law Relating to Estate Management. In Part I, the topics are more general, covering contract, tort, landlord and tenant and sales and mortgages of land, whilst Part II is more specialised, covering planning and compensation with either local government or
agricultural law.

The future of these degree courses is at present uncertain. Many colleges offering them have regional college status already and most of the others are likely to attain this in the not too far distant future. Thus if the recommendations of the Robbins Committee are accepted these courses may be replaced, at least so far as full-time work is concerned, by degree courses provided under the auspices of the proposed Council for National Academic Awards. Law would no doubt play an important part in such courses in the field of business studies but whether it would be possible in more than one or two colleges to offer a degree in legal studies, still more whether it would desirable to do so, is questionable.

The Robbins Report states that, 'Some colleges may well continue to prefer the London external degree. We see every reason why such an association should

continue.' 3 There is no doubt that for many years the London degrees will have a considerably higher status and prestige. The Report suggests that it is doubtful if the National Council would approve a college with only a handful of students and without a nucleus of full-time work and continues, 'In these circumstances, and particularly to meet the needs of the part-time student, the London external degree will have a continuing role. 4

If a college providing the degree courses mentioned in this section cannot obtain recognition by the National Council because student numbers are too small it is doubtful whether a course for a London external degree would be an economic proposition. This would be particularly so with part-time courses which have been hit badly in recent years by the extension of the minimum period of study to five years and by the raising of minimum entry qualifications.

As will be discussed in the following section, the LL.B. course only survives on a part-time basis under great difficulty.
(b) **LL.B. Courses.**

As mentioned in the previous section, several colleges offer courses in preparation for the External LL.B. Degree of London University, usually on a part-time basis. The students on these courses include teachers who are seeking salary increments or promotion by means of this additional qualification, those holding or attempting to obtain administrative posts in central or local government, and nationalised industries or even private business concerns, and perhaps a few who have been denied a university education and feel that a degree is an achievement in itself. In the larger towns, particularly in London, and on the full-time courses there are substantial numbers of overseas students. Thus in 1963 there were the names of 51 college students appearing on the pass lists, excluding those from Holborn College, and 24 of these were overseas students.

Prior to September, 1961, these courses extended over three years. At the end of the first year the Intermediate Examination was taken, at the end of the
second year successful students sat for Part I of the Final Examination, and at the end of the third year the objective was Part II. The scheme was 'neat and tidy' in the sense that there was a definite aim at the end of each stage of one year and each stage was restricted to four legal subjects.

Numbers in most college courses, however, have never been large. The necessity to satisfy the minimum entry requirements of London University has restricted entry to such an extent that many courses have been unable to withstand normal wastage by failure at Intermediate or Part I stages, or for other reasons. Many classes have been closed for insufficient numbers, in some cases in the middle of a session, and some colleges have never taken a course beyond Intermediate level. Other colleges

5. In further education over 60% of students reading for a London external degree do not successfully complete the course. (Report of the Committee on Higher Education, 1963, p.21, para 52.)
have been able to run a course in some years but not in others. Many students spend weeks of uncertainty, often with indifferent part-time lecturers, wondering if the course will continue. Another result of the small numbers has meant that although four optional subjects can be selected from fourteen subjects the colleges have rarely been able to offer any choice at all.

The successes obtained by colleges in the LL.B. Examinations from 1960 to 1963 can be seen from Table 8. Although Holborn College of Law, Languages and Commerce is a local education authority college it really stands in a special position in this respect. With a specialised Department of Law and twenty five full-time Law lecturers it has tended to concentrate upon full-time LL.B. classes, almost entirely with overseas students. (If the supply of West African students were suddenly to be cut off, the Department would suffer a tremendous blow.) Excluding Holborn, the other colleges have had relatively few successes.
### Table 8: External LL.B (London) Results, 1960-62: Analysis by Method of Study

<table>
<thead>
<tr>
<th>Year</th>
<th>Method of Study</th>
<th>Holborn Coll. of Law</th>
<th>Private Study</th>
<th>Colleges of F.E.</th>
<th>Other Institutions</th>
<th>Total Number of Passes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Intermediate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>Final Part I</td>
<td>72</td>
<td>106</td>
<td>9</td>
<td>9</td>
<td>196</td>
</tr>
<tr>
<td></td>
<td>Final Hons. 2/1</td>
<td>64</td>
<td>97</td>
<td>14</td>
<td>31</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Part II Hons. 2/2</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Pass</td>
<td>21</td>
<td>37</td>
<td>6</td>
<td>11</td>
<td>75</td>
</tr>
<tr>
<td>1961</td>
<td>Final Part I</td>
<td>89</td>
<td>98</td>
<td>17</td>
<td>10</td>
<td>214</td>
</tr>
<tr>
<td></td>
<td>Final Hons. 2/1</td>
<td>81</td>
<td>63</td>
<td>8</td>
<td>15</td>
<td>167</td>
</tr>
<tr>
<td></td>
<td>Part II Hons. 2/2</td>
<td>13</td>
<td>16</td>
<td>-</td>
<td>8</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Pass</td>
<td>32</td>
<td>56</td>
<td>7</td>
<td>27</td>
<td>122</td>
</tr>
<tr>
<td>1962</td>
<td>Final Part I</td>
<td>119</td>
<td>106</td>
<td>20</td>
<td>26</td>
<td>271</td>
</tr>
<tr>
<td></td>
<td>Final Hons. 2/1</td>
<td>93</td>
<td>86</td>
<td>14</td>
<td>16</td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>Part II Hons. 2/2</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Pass</td>
<td>46</td>
<td>50</td>
<td>1</td>
<td>17</td>
<td>114</td>
</tr>
<tr>
<td>1963</td>
<td>Final Part I</td>
<td>122</td>
<td>124</td>
<td>32</td>
<td>18</td>
<td>296</td>
</tr>
<tr>
<td></td>
<td>Final Hons. 2/1</td>
<td>96</td>
<td>54</td>
<td>11</td>
<td>25</td>
<td>186</td>
</tr>
<tr>
<td></td>
<td>Part II Hons. 2/2</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Pass</td>
<td>66</td>
<td>42</td>
<td>6</td>
<td>12</td>
<td>126</td>
</tr>
</tbody>
</table>

Notes:  
1) Other Institutions: Law Society, Council of Legal Education, Universities.  
2) No First Class Honours Degrees awarded during this period.
In these last four years, they have only obtained 78 passes out of 977 at Intermediate level and only 24 degrees out of a total of 595 awarded. Several of these successful students did not rely entirely upon a college course and prepared themselves for the examination partly by correspondence course or other form of private study.

At Intermediate level 8% of all passes were attributed to the colleges but this proportion fell to 6% at Part I and to 4% at Part II. This suggests either that many college courses start but are not able to take their students through to the conclusion of the course, the students having to turn to a correspondence course for the later stages of their studies, or that the students are not of a sufficiently high calibre to finish the course successfully. Whichever is correct, a satisfactory state of affairs is not indicated.

If we turn to Table 9, the extent to which these few college successes have been spread between
<table>
<thead>
<tr>
<th>Institution</th>
<th>Intermediate</th>
<th>Final Part I</th>
<th>Final Part II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birmingham C. of C.</td>
<td>- 2 - 3 5</td>
<td>- 3 2 2 1 8</td>
<td>- 2 2 1 5</td>
</tr>
<tr>
<td>Blackburn T.C.</td>
<td>1 - - - 1</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Cardiff C.A.T.</td>
<td>1 2 2 - 5</td>
<td>- - 1 3 4</td>
<td>- - - 1 1</td>
</tr>
<tr>
<td>Denbighshire T.C.</td>
<td>- 1 - - 1</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Gloucester T.C.</td>
<td>- 1 - - 1</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Isleworth Polytech.</td>
<td>- 1 7 5 13</td>
<td>- - - 1 1</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Kingston T.C.</td>
<td>- - 1 - 1</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Leeds C. of C.</td>
<td>- - 2 3 5</td>
<td>5 1 4 2 12</td>
<td>2 3 - 1 6</td>
</tr>
<tr>
<td>Leicester C. of T.</td>
<td>- 1 - - 1</td>
<td>- 2 1 - 3</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Liverpool C. of C.</td>
<td>1 1 - 1 3</td>
<td>- 2 1 - 3</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Manchester C. of C.</td>
<td>2 4 1 4 11</td>
<td>3 - 4 - 7</td>
<td>2 1 1 1 5</td>
</tr>
<tr>
<td>Newcastle C. of C.</td>
<td>2 2 2 3 9</td>
<td>3 - - - 3</td>
<td>- 1 - - 1</td>
</tr>
<tr>
<td>Nottingham T.C.</td>
<td>1 1 1 1 4</td>
<td>- 2 1 2 5</td>
<td>- - - - 2</td>
</tr>
<tr>
<td>Portsmouth C. of T.</td>
<td>- 1 4 5 10</td>
<td>- - 1 2 3</td>
<td>- - - - 2</td>
</tr>
<tr>
<td>Stoke-on-Trent C.ofC.</td>
<td>- - 1 1 1</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td>Wednesbury C. of C.</td>
<td>1 - - - 1</td>
<td>- 1 - - 1</td>
<td>- 2 - - - 2</td>
</tr>
<tr>
<td>West London C. of C.</td>
<td>- - 6 6 6</td>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>9 17 20 32 78</td>
<td>14 8 14 11 47</td>
<td>6 7 3 8 24</td>
</tr>
</tbody>
</table>
seventeen different colleges can be clearly seen. Even at Intermediate level the greatest achievement was at Isleworth Polytechnic in 1962 with seven passes, and only two other colleges have had more than four passes in any one year. In Part I of the Final the forty seven passes were spread between ten colleges and the greatest success was at Leeds College of Commerce in 1960 when there were five passes. In Part II of the Final the twenty four students who finally graduated came from eight colleges and only one college obtained three successes in any of the years under consideration.

During this period no degrees with First Class Honours were awarded. Of the eleven candidates receiving Upper Second Class Honours not one was a College student. Four college students received Lower Second Class Honours out of the twenty four who were awarded degrees, an average of one in six. Over the Examination as a whole, however, Second Class Honours were awarded to one graduate in four.
If it is assumed that a college only had a course in the year in which it obtained successes it will be seen from Table 9 that 149 college students whose names appeared in the pass lists were prepared for the examinations in 73 courses. This means that on the average two successful students came from each course. This is a generous assumption for it takes no account of courses that were started and closed or, if they were completed, had no successes.

One important consideration that is frequently overlooked is the cost of these courses. A typical part-time course would consist of two evenings of attendance or six hours of lectures each week. At a typical part-time lecturer's rate of 30/- per hour this would amount to £9 per week in lecturers' fees or, over a session of 30 weeks, £270 per year. Over the four year period we have seen that 73 courses have produced 24 degrees, thus giving an average cost of £821 for each degree. This is for lecturers' fees only and takes no account of other costs or of more useful employment of lecturers and accommodation.
Corresponding costs for a full-time course would be much higher as would also be the case if full-time lecturers were being employed. This figure of £821 compares most unfavourably with the figure of £605 which was stated to be the current public expenditure per 'full-time equivalent' student in higher education in Great Britain in 1962-63.6

From September, 1961, the new regulations of London University require five years of study for part-time LL.B. students. Two years of preparation for the Intermediate, two years for Part I and one year for Part II now seems to be the established pattern. This change, in itself, is unlikely to increase the number of successes of college students to any considerable extent and yet will lead to greater wastage and more uncertainty regarding the life of individual courses, as well as increasing their cost. The raising of the minimum entry requirements from January, 1964, will add to this problem.

Why do colleges persist with LL.B. courses on such an unsatisfactory basis? The answer may lie in the fact that they are regarded as 'prestige' courses by means of which some colleges attempt to emulate the universities or, in the case of the multi-purpose colleges, to raise the standing of the Commerce Department. Such courses look very attractive and imposing in a prospectus and they tend to be maintained by any means possible without regard to results or cost. The day of reckoning never arrives for by that time the college is too preoccupied with keeping the next session's LL.B. course in operation.

The conclusion to be drawn from the above is that, on their present basis, LL.B. courses should not be offered by so many colleges for the demand and the results do not justify the effort and expense. Very few colleges, if any, apart from Holborn College, can provide these courses satisfactorily for part-time students. Full-time courses should be concentrated at a few of the larger colleges.
A New Qualification in Law

The difficulties associated with the LL.B. in its present form suggests serious consideration of the introduction of an additional legal qualification, perhaps taking the form of a Diploma in Legal Studies. It could be directed more towards the part-time student who wishes to follow a course of legal studies, either for the inherent value to be derived from it, or because he requires some evidence of such study for administrative or teaching purposes. The field of study could be somewhat narrower than the LL.B. and the standard of the individual examination papers approximate to pass degree standard. Prestige would be accorded to this qualification if it were launched under the aegis of a university or some similar body or it might even take the form of a Higher National Certificate in Legal Studies.

Entry requirements should not be so high that mature and suitable students with few academic paper qualifications are thereby precluded from
enrolling. The five year period of part-time study for the LL.B. which is so frustrating for the able student should be removed. I am thinking more in terms of a two-year course with an examination in three or four subjects to be taken at the end of each year.

Certain basic papers such as the English Legal System, Contract and Constitutional Law should be made compulsory and a choice of optional subjects given for the remainder of the papers. Although the course would be primarily one in legal studies it need not necessarily be exclusively so. The course would be widened if it were possible to offer one non-legal subject in each year, the selection to be made from such subjects as Sociology, Criminology and Economics.

I feel that there is a need for a new academic qualification along the lines outlined above. The numbers enrolling for LL.B. courses suggests that something else is required and the professional
examinations of the Institute of Legal Executives and the group certificates of the Royal Society of Arts and the London Chamber of Commerce hardly fill this gap. The new certificate or diploma would also provide a useful teaching qualification, particularly for those who are interested in teaching Law as a subsidiary subject. These suggestions are put forward in the hope that they will provoke thought and discussion and that something will eventually emerge.

This new qualification is suggested for the part-time student. If demand is sufficient, far more comprehensive courses may develop for full-time students for a National Council degree in legal studies as an alternative to the LL.B.
CHAPTER 6

COURSES FOR THE LEGAL PROFESSION

(a) Courses for the Bar and Law Society Examinations

Few colleges offer courses for those wishing to qualify as barristers or solicitors but many have such students in other courses, such as the LL.B. course, where they can supplement their private studies for their professional qualification with oral tuition in subjects which they are finding particularly difficult. Thus the classes in Conveyancing, formerly provided in preparation for the examinations of the Solicitors' Managing Clerks' Association, often contained a number of articled clerks.

There are, however, two colleges in London offering courses for the Bar Examinations. The Isleworth Polytechnic provides these for Part I only where the subjects largely correspond with those of the
LL.B. (London) and the Holborn College provides special courses for both Part I and Part II. At both colleges these courses are held in the evening and taken mainly by people who are employed during the day. The Council of Legal Education, which provides its own full-time courses, prefers full-time study for the Bar Examinations. If this is not possible though, and provided that there is compliance with the requirements regarding gainful employment in the Consolidated Regulations, the Council favours these college courses in preference to study by correspondence course since they do provide some sort of contact with the lecturers, most of whom are barristers.

The demand in this field is relatively small and appears to be catered for adequately so that an extension of these courses to other colleges either within the London area or outside London is unlikely and unnecessary. Perhaps an older student on an LL.B. Course may wish to read for the Bar concurrently with his other studies but if so he can cover the ground for Part I of the Bar Finals or obtain exemptions
therefrom by part of the LL.B. course itself. The numbers of such students is unlikely to justify special courses for this purpose.

So far as the Law Society Examinations are concerned there are two colleges, Blackpool and Connah’s Quay, which have, in the past, taken their place along with the University Law Departments as Law Schools. As such, they were approved by the Law Society under the Articled Clerks’ Regulations for the purpose of articled clerks taking prescribed courses of study as part of their qualifications to become admitted as solicitors. Their part in this training was, however, a small one. The law school at Connah’s Quay was recognised for three years from 1957 to 1960, during which time sixteen students were enrolled. The work at Blackpool continued until the session 1961-62 during which session there were nine students.

Early in 1963 the Law Society began to implement an entirely new policy with regard to the education and training of prospective solicitors. The universities,
faced by an increasing demand for places, were reluctant to develop special courses to meet the needs of an enlarged syllabus for Part I of the new Qualifying Examination and the recognition of existing law schools was therefore withdrawn. The only recognised courses prescribed under the regulations were to be those at the College of Law in London and in Guildford. This college was formed by the amalgamation of the Law Society's School of Law and the firm of law tutors, Gibson and Wheldon.

These changes left even less work in the hands of the colleges. Blackpool are hoping in the future to promote shorter and more intensive revisionary courses for those students in the district who have failed the examination at the first attempt. (It is thought that on present standards this will be a fairly high proportion.) There will no doubt be scope for other colleges in fairly densely populated areas to follow suit. Holborn and a few other large colleges at present offer evening courses for Part I
of the Qualifying Examination. None of these courses are, however, recognised by the Law Society.

This was the position until the middle of 1963. The Law Society then appeared to have second thoughts about the concentration of all law school attendance at the College of Law. This may have been due partly to accommodation difficulties at the College and partly to representations made by local Law Societies and others regarding the expense and inconvenience (and, in one instance, the 'moral dangers') occasioned by attendance in London. The result has been a reversal of the recent policy with a move towards the re-establishment of provincial law schools.

Two Colleges of Commerce have been provisionally recognised as Law schools, attendance at which will satisfy the regulations in this respect for articled clerks. Both colleges are offering two full-time courses each year, each of approximately four months' duration, in preparation for Part I of the Qualifying Examination which is held every February and August. The first course began at Liverpool in October, 1963,
and at Manchester in April, 1964.

Both courses follow a similar pattern. Tuition is offered for all six Heads or subjects of the examination - Constitutional and Administrative Law, English System, Contract, Torts, Criminal Law and Land Law. A student will normally take a group of three subjects and spend three hours daily on lectureres and tutorials and three hours on private study. Exceptionally, as in the case of a student attending on a voluntary basis before entering into Articles, classes may be attended in all six subjects.

The continuance of this policy will depend largely upon results achieved with these courses. Stringent regulations laid down by the Law Society include the requirement that all lecturers shall be professionally qualified, which rather unfortunately precludes the employment of experienced lecturers with higher degrees in Law. Certain difficulties are foreseen with students whose preparation prior to attendance is likely to vary considerably. If this project succeeds other colleges may be recognised and
perhaps other courses of a similar nature will be offered for Part II of the Qualifying Examination although law school attendance before sitting for this examination is not required. Alternatively, the College of Law may itself open provincial branches, though this is not likely in the foreseeable future in view of the large capital costs that this would involve.
(b) **Training of Unadmitted Staff.**

Considerably more is done by the colleges for the training of unadmitted staff working in solicitors' offices or engaged in other legal work. Such persons often join existing Law classes and sit for the Law certificates of the Royal Society of Arts or the London Chamber of Commerce. Courses of a general legal nature are provided by a few colleges for solicitors' non-articled clerks and occasionally specialised courses are offered, such as the one at Holborn for Court of Protection staff and the one at Manchester for Magistrates' Clerks' Assistants.

The Law papers of the London Chamber of Commerce are largely taken by the clerical staffs of legal offices. There appear to be many solicitors who instruct their non-articled clerks to produce evidence of studies in particular branches of Law appropriate to the requirements of their employers. Thus clerks working in a conveyancing or trustee department may be asked to prepare for the L.C.C. Land Law and Conveyancing or Wills and Trusts
examination. Successful completion of the course usually results in either promotion or salary increment or both and the L.C.C. has now been offering Law examinations aimed mainly at such candidates for nearly seventy years.

The Manchester course for solicitors' clerks is typical of most. It is a two-year course requiring attendance on one afternoon and one evening each week. Until the session commencing September, 1963, Real Property, Tort and Criminal Law were covered in the first year and in the second year, Criminal Law was replaced by Contract but the scheme has now been modified to enable students to sit for the examinations of the Institute of Legal Executives. The course was started in 1955 in conjunction with the Manchester Law Society which has been very helpful in putting pressure on its members to grant day release. Students must possess three passes at G.C.E. Ordinary level, or be eighteen with solicitors' office experience. After an initial heavy demand numbers have become stabilised at about
15-20 in the first year and 10-12 in the second year. The course is intended primarily for non-articled clerks, including girls, though a few articled clerks have attended from time to time. Examination question papers are not assessed but worked scripts are scrutinised by assessors appointed by the local Law Society to whom a report is made upon the general standard, though marks are not altered. This prevents argument over question papers and criticism of the lecturers' work by fellow practitioners. Successful students are awarded a College certificate.

The success of such a course depends upon the correct blend of theory and practice and although the College is primarily concerned with the former the latter must not be forgotten. The students taking this course were almost unanimous in asking for greater emphasis to be given to the practical aspects of the subjects they were studying. They felt that the general principles of Real Property Law could be related more to the practice of conveyancing and that they could be shown how the general principles of Tort can be applied to neighbours' quarrels over
alleged nuisances and to accidents. They would welcome the introduction of subjects such as Court Procedure. They felt that topics such as the historical introduction to Contract and Property could well be excluded to provide the necessary additional time.

Students' views are not always correct but since there was almost complete agreement on this issue they probably carry some substance and require investigation. Does the fault lie with the syllabuses, the lecturers or the lack of co-ordination between the college course and their professional work? It is interesting to note that 24% of these students had never read or consulted a law report and that the proportions who had never been present at a criminal trial or at a civil hearing were 24% and 19% respectively.
(c) Course for Magistrates' Clerks.

The Course for Magistrates' Clerks' Assistants was begun in Manchester in 1954 and has flourished largely due to the enthusiasm of the Clerk to the Manchester Magistrates who has played a leading part in both the administration and the lecturing. This is a purely local course for attempts to begin a national course in conjunction with the National Association of Justices' Clerks' Assistants have not yet succeeded though some progress is now being made. The course is intended for clerks employed in Magistrates' Courts, for whose instruction there has never been any previous provision, to assist them in carrying out their duties. The students are drawn from some twenty Courts within travelling distance of Manchester.

The course was originally devoted to Law and Practice in the Magistrates' Court and met on one evening each week for one year. In 1956, a second year was added to cover Contract and Tort in order to widen the course by giving the students some
background knowledge in other fields of Law and since points do occasionally arise on these matters. At first there were fifty students, including some J.P.s, but the numbers are now stable at about six to eight, usually insufficient to run both years of the course concurrently. The numbers should be higher in view of the annual intake into this work in the area but many young clerks are perhaps reluctant to study when they see that their seniors have progressed without it. Examination papers are set by the College, marked by an external examiner, and a College certificate is awarded to successful students.
(d) The Institute of Legal Executives

The most widespread form of training in this field in the past has been the provision of courses by about twelve colleges in preparation for the examinations of the Solicitors' Managing Clerks' Association which, in addition, provided its own courses in London. The four examination subjects were Queen's Bench and Chancery Procedure, Divorce Law and Procedure and Elementary Conveyancing. Examinations were held annually and a Certificate of Proficiency awarded for each subject in which a student secured a pass. These courses were not on the whole very successful and the Colleges offering them usually had some twelve to fifteen students each, which meant that they were frequently unable to offer all of the subjects at the same time.

The whole question of the training of unadmitted staff has recently been under revision and considerable changes are now taking place. On the 1st January, 1963,
the Solicitors' Managing Clerks' Association merged into the newly formed Institute of Legal Executives. The objectives of the new Institute are to create a recognised status for clerks in solicitors' offices and to encourage recruitment into the unadmitted ranks of the profession. The name 'managing clerk' has to a great extent lost its former significance because it has become to be used more and more by young and inexperienced clerks. To become entitled to the new name of legal executive a clerk will have to complete a qualifying period in a solicitor's office, undertake a prescribed course of instruction and pass certain examinations.

Three grades of membership have been established. Student membership is open to all persons aged seventeen years of age and over who are employed in solicitors' offices and to those under that age who have been in qualifying employment for not less than six months. Associate membership will be open to student members who have completed three consecutive years of service in a solicitor's office, can produce a General Certificate of Education with a pass in English Language or its
equivalent, have completed an approved course of instruction and have passed certain qualifying examinations. Full Fellowship of the Institute will open to Associates of not less than twenty five years of age who have completed a further period of five years' service in a solicitor's office and a further course of instruction before passing further examinations. Service with solicitors in private practice and with solicitors in local government service, in industry and commerce and elsewhere will rank as qualifying service.

As a transitional step, exemption from training courses and from the examinations themselves may be granted to established managing clerks with the required record of service in qualifying employment, provided such application is made not later than the 31st December, 1964. In considering such claims for exemption, considerable weight is given to the possession of Certificates of Proficiency issued under the former joint training and examination scheme of the Law Society and the Solicitors' Managing Clerks' Association.
The published Syllabuses and Regulations for the Fellowship Examination are reasonably explicit. The Examiners must be satisfied in three papers, selected from fifteen, each dealing with a particular branch of Law except for one paper upon Costs and another upon Trust Accounts and Accounting. The syllabuses are for the most part sufficiently detailed and suitable textbooks are recommended.

The general scheme can be criticised on the grounds that it does not provide a sufficiently severe test for the Final Examination of a professional body. Only three papers need be passed and this can be done on separate occasions. The range of subjects could be very narrow since there are two papers on Conveyancing and papers on both Contract and Commercial Law. Compared with the Final Examinations of other professional bodies, the satisfying of the Examiners could be a relatively simple matter and this could lead to a lowering of standards and reduced status for the Institute. Surely at this level six papers,
to be taken in two groups of three, would not be unreasonable. Three compulsory papers in Conveyancing, a common law subject, and Accounts and Costs, and three optional papers to be selected from certain groups would be a better test of the all-round ability and knowledge of the candidate.

The Syllabuses and Regulations for the Associate-ship Examination leave much to be desired. The scheme of work has been divided into four parts; the introductory Part I covers the English legal system and the functions of a solicitor and his staff; Part II covers sources of law, legal personality and many branches of substantive law; Part III covers Evidence; and Part IV includes the practice and procedure of the Courts, conveyancing, probate, companies and searches at public registries. Four examination papers must be taken, two devoted to Law and two to Procedure, though this is not specified in the Regulations. The first examinations are planned for May, 1964, which suggests that the syllabus is expected to be covered in one year but the content of subject-matter is so
great that two years would be a minimum for all but a very small minority. Only one textbook has been recommended, for Part II, and the choice of suitable textbooks for the other Parts, except perhaps for Part III, is going to cause considerable difficulty.

With the exception again of Part III (Evidence), the syllabuses are very vague and little indication is given of what is expected. In Part I, the phrase, 'English Legal System', could mean almost anything. Part II ranges widely over almost the whole field of substantive law and includes topics such as the Law of the Welfare State, Contract, Torts and Property with no further guidance on the depth of study required. Part IV is a veritable hotchpotch of unrelated procedural matters, some of which, such as Probate and Companies, could well be left until the Fellowship stage. In fact much of the procedure, which younger and less experienced students find difficult, could with advantage be examined later in the Fellowship Examination and be replaced in the Associateship Examination by some of the relatively easier branches of substantive law. The whole examination scheme of the Institute really requires further study and revision.
In conjunction with the Institute of Legal Executives the Birmingham Law Society began an interesting experiment in September, 1963, designed to attract school leavers of a good standard of education into the legal profession. A full-time induction course of four weeks' duration was arranged at the Matthew Boulton Technical College for thirty three students, selected from ninety applicants and this was followed by two months of continuation training in a solicitor's office with College attendance on two or three afternoons each week. Further professional experience and evening class attendance will follow with a progress test at the age of eighteen and, it is hoped, Associate Membership of the Institute at about the age of twenty. Standardised salary scales for the Birmingham area have been established rising to £1,000 by the age of twenty eight.

The lectures during the College course were of a relatively simple nature, combining theory and
practical work in small doses, and were provided as to two-thirds by the Young Members' Group of the Birmingham Law Society and as to one-third by the College staff. The object was to make the trainees useful in their offices and better able to recognise forms and documents in use and to realise their purpose. The mornings were devoted to lectures and the afternoons to more practical work that included films, discussions, mock conveyancing transactions, pleadings and lawsuits and visits to Courts, solicitors' offices, Probate and Land Registries, the Council House, Stock Exchange, Legal Aid Department and a company registration department. The emphasis during the lectures changed gradually from general talks on the English Legal System in the first week to practical instruction on specific functions capable of being performed by the trainees when they start in their offices in the final week. Principals paid a fee of 100 guineas in respect of each entrant.

This scheme marks an important step forward
in this field and recognises the part that the colleges can play. My only reservation is that too much is being attempted in four weeks with students of fifteen or sixteen years of age with no appreciation of legal matters. A further period of full-time study after perhaps twelve months of experience in a solicitor's office would be extremely valuable to consolidate all that had by then been learned. If only one month can be spared for college study, a fortnight at the beginning and a fortnight later might be preferable. Another weakness is that apparently day release is only going to be granted for two months when entrants into business or other professions can often obtain this for several years.

Every success is wished to the new Institute, and in particular to the Birmingham scheme, in these attempts to improve and rationalise the training for the unadmitted ranks of the legal profession - the training of what might be called 'legal technicians'. No doubt many of the independent courses such as the
one at Manchester will gradually become incorporated in the new scheme. Much will depend upon the support of the local Law Societies and their individual members who stand to gain considerably by an improvement in the status and usefulness of their staff. Part-time day release is highly desirable.

Much will also depend upon the maintenance of standards of admission to the courses and how the courses are to be organised, and here the colleges have a part to play. Some sixty colleges have offered to provide courses in preparation for the examinations of the Institute but it is not known how many of these courses have actually begun. A course with a mere handful of students struggling on from week to week, uncertain as to whether or not it will continue and where the withdrawal of perhaps one student could be critical will serve little useful purpose. If there are insufficient suitably qualified students the individual small college should not attempt to run the course.

The Conveyancing course that was previously offered
by some colleges, for the Certificate of Proficiency of the S.C.M.A. and which was usually open to other interested students to maintain class numbers was a good example of this. This was intended for students with a theoretical knowledge of Real Property Law who wished to deal with the more practical aspects of conveyancing but the standard of this course varied considerably. At one large college of commerce it had at times been an advanced course attended by Law graduates and articled clerks. In recent years however, the standard had dropped until it included shorthand-typists from solicitors' offices. The girls were to be commended for attempting the course and they would gain something from it in one sense in that they would afterwards know a little more about what they were typing at work, but if this was to be the purpose of the course a better one could surely have been devised. The final section of this chapter suggests one possible method of dealing with this problem.
(e) *Legal Secretaries*

There is a need to improve the education and training of the more junior staff in solicitors' offices, usually the secretarial staff. The examination scheme of the Institute of Legal Executives, is not usually suitable for such staff and there appears to be scope for a different certificate of proficiency, to be launched perhaps under the aegis of the Institute.

In an attempt to fill this need a new Course for Legal Secretaries was begun by the Manchester College of Commerce in September, 1963. This is designed for those holding secretarial posts in solicitors' offices, barristers' chambers, court offices and legal departments of local government, private companies and nationalised undertakings. The object is to improve their secretarial skills and at the same time to give them a background knowledge of the work in which they are involved.

Attendance is required on two evenings each week,
one of which is devoted to Legal Stenography. The shorthand and typewriting is based upon legal correspondence and documents and it is felt that much greater benefit will be derived by the students than they previously obtained from the general secretarial courses. The syllabus also covers office procedure, office equipment and secretarial practice and duties, also directed at legal work, and it is hoped to include a few lectures on written expression and the use of good English.

The other evening is devoted to General Legal Knowledge. The subject-matter ranges in outline over most of the topics covered in the usual 'General Principles of Law' course but emphasis is more upon the practical aspects of the subject. Wherever possible and appropriate the principal legal documents will be explained and discussed and every opportunity taken of explaining legal terminology. Specialised topics such as Abstracting will be dealt with should there be sufficient demand.

The course has the support of the Manchester Law
Society and the intention is to award a College certificate to students who satisfactorily complete it. Sixteen students have enrolled for the session 1963-4. Initially it will be a one year course lasting for approximately thirty weeks but an extension, perhaps to cover more specialised topics, will be considered should there be sufficient demand.
CHAPTER 7

OTHER WORK IN LEGAL STUDIES

(a) Secretarial Courses

These are full-time courses, almost entirely of girls, taking one-year (in a very few cases, two-year) courses in business and secretarial training. The subjects are Shorthand, Typewriting and other general and business background subjects. Law is frequently included as a background subject for perhaps one or two hours each week and the syllabus usually covers General Principles of Law with a little elementary Commercial or even Constitutional Law. In most cases the colleges are free to draft their own syllabuses since the usual examination is a college internal, although the examinations of the Royal Society of Arts, the Regional Examining Unions or the Associated Examining Board may be used as alternatives.

Law is almost invariably confined to full-time courses containing ex-grammar school students and some colleges confine the subject to post-Advanced
level students or university graduates. It is rarely taught to ex-secondary modern school students or to part-time day or evening courses. The subject is thought to be too advanced for the former and the latter are almost entirely vocational with no time available for subjects such as Law.

There are 134 colleges in England and Wales which include Law in secretarial courses and there are some 3,920 students enrolled. The tendency now is to merge such courses with the full-time Ordinary National Diploma Courses in which Law is almost invariably included.

There appears to be general agreement in favour of including Law in secretarial courses as a valuable background subject even where it is not at present included. One Principal of a small college would like to introduce it into the course but there was no full-time lecturer to take the subject and it was impossible to obtain a part-time lecturer in the day.
Many colleges would like to devote more time to it but crowded timetables preclude this. One college until recently included Law in its secretarial course, obtaining good results in R.S.A. examinations, including a bronze medal, but has recently omitted the subject with regret due to the increasing demands of more vocational subjects.
(b) *Law as a G.C.E. Subject*

A considerable number of students in Colleges of Further Education study and sit for G.C.E examinations, both at Ordinary and Advanced Levels. In some instances special courses, full-time and part-time, are offered for those who wish to obtain these qualifications for the purpose of university entrance or the satisfaction of the entry requirements of some professional association or other examining body. The students are either from overseas or are those who have failed to obtain or missed the opportunity of obtaining such qualifications whilst at school. In other instances students taking other courses, such as secretarial courses, find that they are approximately covering the syllabus of a G.C.E. examination for some other purpose and are able to acquire G.C.E. passes as 'extras' with very little additional work.

Several of the G.C.E. examining bodies offer examinations in subjects such as Economics, Economic History, British Constitution and even Commerce.
and Accounts at both Ordinary and Advanced levels. Only one body offers Law papers at Advanced Level. Why is this so?

As a background subject Law would be just as valuable as many other subjects and very suitable for students preparing for careers in so many fields. It would be useful for the prospective professional accountant and for the student who is intending to read for a degree in Economics. For those thinking in terms of a Law degree it is worthy of note that the Law Faculty of a University is the only large faculty where students have usually done no preparatory work in the subject prior to admission.

I have discussed the question of the value of an Advanced Level pass in Law for Law undergraduates with University Law lecturers and they are not unfavourably inclined towards the idea. They believe that far too often a student arrives to study Law without any appreciation of what is involved. Some previous study would give him the chance 'to dip his toe in to see if the water was warm'. They felt that the student
would be most certainly helped and though its usefulness to the Faculty is more questionable it would on balance be desirable.

The problem is that very few law undergraduates come from Colleges of Further Education where Law teaching is carried on. For the most part they come from schools where there is insufficient work for a law specialist. Since Law Faculties feel that Law should only be taught by lawyers they would therefore frown upon any Law teaching in schools.

The various G.C.E. Boards were asked if they had ever considered offering Law as a separate subject apart from the small amount that must inevitably be included in subjects such as British Constitution and Accounts. Most bodies stated that the matter had never been raised. Their examinations are intended primarily for schools and since the subject does not normally form part of a secondary school curriculum, the criteria applied when new examination subjects are being considered, it is unlikely that the subject
would be approved either by the Board in question or by the Secondary School Examinations Council.

The Northern Universities Joint Matriculation Board offered Company and Commercial Law as a Subsidiary subject in the Higher School Certificate for several years, but the number of candidates was always small and the work was not very satisfactory. All Subsidiary subjects then disappeared when the Higher Schools Examination was abolished. On subsequent occasions there have been suggestions that the Board might consider instituting syllabuses in legal subjects but the Board has never felt the need for it to enter this particular field. It is felt that there are already ample provisions for Law examinations under the auspices of well-established and fully accredited authorities. The Board's view is that there could be no question of offering Law at Ordinary level for the sixteen year old student and even Advanced level, which is, in general, designed for the student of eighteen or nineteen, is normally taken before the age when the study of Law is usually begun.
The Associated Examining Board, the 'youngest' G.C.E. Board, which was established to serve specifically the needs of students in Colleges of Further Education, is the only Board to offer legal subjects. At Advanced level there are two legal subjects, Constitutional Law and General Principles of English Law, both examined by two papers of three hours' duration.

The Constitutional Law syllabus and examination papers are typical for this subject and do not require further description or discussion. The General Principles syllabus is divided in two sections, upon each of which an examination paper is set. The first part is designed to test the candidates' general understanding of the English legal system and covers such topics as the nature, growth and development of English law, its administration and the principles underlying torts and property rights. The second part covers a detailed study of the law of contract.
Very little criticism of these subjects was received from lecturers. To the contrary, many have praised the method of approach adopted for General Principles, giving as it does, both a general survey of English Law and a study in some depth of a branch of substantive law. The syllabuses are reasonably comprehensive, textbooks are recommended upon request and the examination papers are representative of the syllabus and sufficiently searching to present a challenge to the good student without being too difficult. The second part of each question in the Contract paper is a problem.

Unfortunately little information could be obtained from the Associated Examining Board itself. In view of the fact that it is the only Board offering Law it would be interesting to know whether it encountered any difficulties in introducing the subject and the type of student for whom the Law papers are intended. Statistics of the number of students and Colleges using the examinations would be useful.

In conclusion, Law is not a suitable Ordinary
level subject for the sixteen year old student, even though some lecturers have expressed a wish for such an examination. Certain descriptive topics could be incorporated and are so incorporated in other subjects but there is insufficient suitable subject matter to form a separate paper. The subject matter would need to be so simplified for this level of student that no useful purpose would be served by its introduction.

Law at Advanced level is desirable for the students concerned tend to be at least as old and probably of greater intellect than those taking Ordinary National Certificate Courses and, in many cases, Intermediate Professional Courses, where the subject is generally agreed to be essential. The Associated Examining Board fills this need very well for many students but there are still certain areas where there are no examination centres for the Board and some students are, in consequence, precluded from offering the subject. If the Board's activities cannot be extended in these areas other Boards might seriously consider offering the subject, particularly for the more mature student.
The possible introduction of Law as a subject for Sixth Form study in secondary schools is another question and outside the scope of this work.
Regional Examining Bodies

The regional examining unions have recently altered their schemes and syllabuses in the light of the new National Certificates in Business Studies. Their Law papers are now primarily intended as part of a course for a National Certificate and although they are prepared to accept single subject entries very few are, in actual fact, received. In practice the candidates for these examinations tend to come from the smaller colleges since the larger colleges have their own individual National Certificate schemes - a state of affairs regretted by at least one union.

All the unions offer a Principles of English Law paper for use in either the first or second year of an O.N.C. Course. Three of the unions also offer an elementary Mercantile Law or 'Law relating to Commerce' paper for use in the second year of an O.N.C. Course when General Principles of Law has been taken in the first year. There appears to be little demand
however, possibly because the general opinion of H.M.I.'s is that this subject should be deferred until the Higher National Certificate stage. The fourth union, the U.E.I. has now omitted this paper from its recent scheme.

Two of the unions, the U.L.C.I. and the N.C.T.E.C. at present offer Law papers for the Higher National Certificate in Business Studies though the other unions will no doubt follow later. Papers are offered in Commercial, Industrial Law and Company Law but since the larger colleges where H.N.C. courses are taking place have their own schemes the Law examination in this field are not likely to be very important, at any rate in the near future. In 1962 the Commercial Law paper of the U.L.C.I. was taken by only six candidates, all from one college. In 1963 this figure had risen to eleven, from two colleges.

The Royal Society of Arts and the London Chamber of Commerce, in contrast to the regional examining
unions, tend to be primarily single subject examinations. Although some of the other subjects have some legal content the R.S.A. offers three Law subjects at the Stage II (Intermediate level) - General Principles of English Law, Company Law and Commercial Law - and seven at the Stage III (Advanced level) - Shipping Law and Practice, Company Law, Commercial Law, Common Law, Real Property and Conveyancing, Law of Trusts and Law of Evidence and Civil Procedure. The L.G.C. offer eight Law papers, all at the Higher Stage which approximates to R.S.A. Advanced Stage. These papers are The Constitution (including Principles of English Law), Contracts and Torts, Procedure and Law of Evidence, Company Law, Bankruptcy and Winding Up, Land Law and Conveyancing, Wills and Trusts, and Commercial Law. The Syllabus Committee of the L.C.C. have considered the desirability of offering General Principles of English Law as an introductory paper at the Intermediate stage but this was rejected. It was felt that as the Higher Stage papers were equated with similar papers in Intermediate Professional examinations all the Law papers should be equated on this basis.
As previously stated, the Law papers of the regional examining unions are intended for, and largely taken by, candidates on part-time day or evening National Certificate courses. Although no figures are available they were nearly all prepared for the examinations by colleges and very few, if any, followed a correspondence course or used any other means of study. In 1962 the four papers in General Principles of Law were taken by some 940 candidates from 80 colleges and the pass rate was about 70-75%, similar to that for other subjects. As mentioned above the number of entries for the other Law papers was negligible.

The type of candidate sitting for the R.S.A. and L.C.C. examinations is a little different. The R.S.A. General Principles of English Law paper is taken by a number of girls in secretarial courses whilst the Company and Commercial Law papers of both bodies are often used as an introduction or jumping-off point for students who later proceed to a professional qualification or who feel that a knowledge of these two subjects could be useful in
their business careers. Thus Manchester College of Commerce has used the R.S.A. examinations as a means of external assessment at the end of a first year intermediate professional course.

In 1961 there were 363 candidates for the L.C.C. Law examinations. Of these, 156 passed (43%) and 14 (4%) gained a distinction. This percentage of passes and distinctions bears a close relationship to the passes and distinctions in other Higher Stage subjects. It is not known how many of these candidates received instruction in colleges for although only about six colleges offer courses specifically for the L.C.C. examinations there were other candidates who had studied in various Law courses at other colleges. There are, however, a number of correspondence colleges which prepare non-articled clerks for these examinations.

In the R.S.A. examinations in 1961 there were 1,087 Law candidates of whom 866 entered for the three Stage II papers and 219 for the seven Stage III papers. The pass rate at Stage II was 29% and at Stage
III. 38%. (It will be noted that the pass rate for the L.C.G. and R.S.A. examinations is considerably lower than that for the Regional Examining Unions). Easily the most popular paper was General Principles of Law, taken by 634 of the candidates.

A much bigger proportion of these candidates was entered by colleges and hence presumably obtained their instruction in the colleges; 719 or 66% of the total numbers were entered by 80 colleges. At Stage II there were 644 candidates (74% of the entries) from 76 colleges but at Stage III there were only 75 candidates (34% of the entries) from 29 colleges. The reason for the marked difference between the two stages lies in the fact that at Stage III the Law papers tended to be more specialised and the smaller numbers meant that courses could only be obtained at the larger colleges. Thus more candidates turned to correspondence courses.

Since 1961 there has been an increase in the number of entries for the R.S.A. Law papers, the
increase being almost entirely accounted for by the additional entries for the General Principles of English Law papers. Entries for the other papers have remained almost stationary and in some instances have decreased. Thus in 1963 there were 161 additional entries compared with 1961 and of these 169 were for the General Principles of English Law paper. The pass rate at Stage II had improved to 41% but remained the same at Stage III and there is no reason to suspect that the part played by colleges, outlined in the previous paragraph, had altered.

Until recently the existing single-subject examinations of the R.S.A. and the L.C.C. had not been used for the National Certificates in Business Studies and neither body has had any intention that they should be so used. A recent development though, has been the introduction by the R.S.A. and the L.C.C. of a Joint Examination Scheme for the Ordinary National Certificate, the scheme including a paper on Principles of English Law. The syllabus is similar to the R.S.A. Intermediate Stage paper in this subject
and to those of the regional examining unions. It is too early yet to gauge the popularity of this scheme but it will possibly appeal to smaller colleges outside the areas of the existing regional examining unions. In 1962–3, 18 colleges entered 216 candidates for either the first-year or second-year examinations and 155 of these candidates sat for the Law paper.

Although the L.C.O. and R.S.A. are primarily single subject examinations the two bodies do award Group Certificates or Diplomas. The L.C.O. award a Higher Group Diploma in Law for passes in not less than three Law subjects in the same series. The R.S.A. award a Group Certificate in Law subjects for passes in General Principles of Law and two other Advanced Law subjects (with a small limitation of choice) over any period of years. Law subjects may also form part of other Group Certificates and Diplomas. Little use is made of these awards as the L.C.O. awarded only 27 Higher Group Diplomas in Law in the three years from 1959 to 1961 and the R.S.A. awarded only four
Group Certificates in Law Subjects in the years 1960 and 1961, an indication of the emphasis of these bodies on the single subject examination. It is suspected that many candidates do not realise that it is possible to obtain a Group Diploma, even though they may enter for sufficient subjects.

The schemes of government of the R.S.A., the L.C.C. and the regional examining unions are outside the scope of this work but all have networks of committees which include practising teachers. Such committees consider suggestions and criticisms regarding syllabuses and review syllabuses where necessary. During this process the body usually ensures that the Committee includes 'experts on the subject in question'.
(d) The Certificate in Office Studies

A new part-time course of two years' duration, which includes elementary law, was started in many colleges in September, 1963. This is in preparation for the Certificate in Office Studies, to be awarded under the auspices of a National Committee composed of representatives of the Ministry of Education and certain other interested organisations. No formal academic standards of entry are laid down for it is intended mainly for young persons working in offices who have not obtained the three G.C.E. Ordinary level passes required for entry into an Ordinary National Certificate Course. Sixteen is the normal age of entry although a preliminary course of one year's duration is recommended for students of fifteen years of age. Guide syllabuses and specimen examination papers have been issued by the National Committee and the examinations will be conducted by the regional examining unions.

Four subjects must be studied during the course
and one of the optional subjects which may be included is entitled 'Law and the Individual'. The first year syllabus, The Legal Background, covers what might broadly be described as English legal institutions and the second year, The Law in Operation, introduces substantive law, particularly in the fields of Contract and Tort. No preliminary or introductory year of study is suggested for this subject. The specimen examination paper of two hours' duration requires eight short answers, selected from twelve questions, in one part, and three longer answers, selected from five questions, in the second part.

Although much depends upon the treatment of the subject it is doubtful whether students of this age and standard will derive much value from the course. If Ordinary National Certificate students find difficulty with such topics as incorporation and Equity, which appear in the first year syllabus, most of these students are going to find such concepts almost impossible to understand. The second year syllabus is
more frightening including, for example, agency, vicarious liability and industrial injuries. The specimen examination papers provide little reassurance with questions on delegated legislation, consideration, ratio decidendi and the Registration of Business Names Act.

It is true that the explanatory notes state that the subject should be treated broadly and not in depth and that the object is to impart a background knowledge of the law either generally or for those students who will later proceed to a National Certificate or professional course. A practical approach is suggested with examples drawn from local newspapers and Court visits, though the latter are not easy to arrange with part-time students.

Contrary to the views set out in the previous paragraph the specimen examination paper does appear to call for a fairly detailed knowledge of certain topics unless an extremely low standard is expected. The notes also state that 'several inexpensive books are available which offer a suitable treatment of the
subject, but none are named. The selection of one suitable textbook to cover the guide syllabus will perplex most teachers. In general, the time and effort likely to be devoted to the subject will hardly justify the value to be derived from it and it would possibly have been better to have selected carefully certain of the more simple topics which could have been treated descriptively and included these as a section in the Social Studies syllabus.
(e) **Further Aspects of Law Teaching.**

Legal subjects make their appearance in courses other than those already mentioned and an attempt will be made in this section to outline this other work.

The old Intermediate Certificate in Management Studies which included the subject 'Legal Aspects of Industry and Commerce' has now been replaced by the new Higher National Certificate but the subject is still offered by some colleges on a much smaller scale for those students wishing to take the external examinations of the British Institute of Management. This work will gradually tend to disappear for the Institute's examinations will have been abolished by October, 1966, after which date the Institute will rely on the National Diploma in Management Studies and the examinations of other bodies to provide exemptive entrance to its corporate membership.

There are, in addition, certain aspects of Law
in the new Management Diploma and a few of the larger colleges offer their own Business Administration or Management Course which includes legal subjects and leads to the award of a College Certificate or Diploma. Probably some 30 colleges are involved with about 650 students.

Law is found in non-examination courses of a sessional or terminal nature, usually on a part-time basis, although in the management field the course may be full-time for a period of up to three or four weeks. Where the subject appears as part of a course in management or foremanship, the subject-matter is largely drawn from the field of Industrial Law. Part-time courses offered by colleges and devoted to legal subjects include 'Industrial Law,' 'Commercial Law and Company Law', 'Bankruptcies and Liquidations', 'Law and the Retailer', 'Patents and Patent Law', 'Trade Marks', and 'Legal Aspects of the Social Services'. Apart from these courses on specialised topics there are occasionally general courses aimed at interesting and educating the man in the street
with such titles as 'You and the Law' and 'Law and the Layman'. I am certain that more could be done in this field.

At Holborn, short courses of evening lectures under the title of 'The Holborn Modern Law Lectures' are held from time to time on new legal developments. The object is to help those whose work is connected with the Law to keep abreast of current legal developments. The lecturer for each course is usually a barrister or solicitor who specialises in the practice of that branch of Law to which the course is devoted.

At Slough a Law Study Group was formed in 1960 for the consideration and discussion of new case Law. This group, meeting monthly, is more in the nature of a research group and its members include solicitors, qualified senior members of their staffs and members of legal departments of industrial concerns.

The most outstanding work in this field were
the two Summer Schools organised by the City of London College in 1962, designed primarily for overseas students who were qualified lawyers, accountants and secretaries, law graduates and law students. Each course lasted for twenty six days and took the form of morning lectures by members of the English Bar and afternoon seminars. One course was concerned with English Law and Comparative Law and offered two study groups enabling a choice of subjects to be made according to the interests of the student. The other course was in International Law covering Public International Law and either Private International Law or International Business Law or Case Studies in International Law.

Legal subjects also appear in many other courses. On a full-time basis these include Ministry of Labour vocational training courses and those for ex-officers and courses for overseas students. Part-time classes include those for journalists, police cadets, police promotion candidates and civil servants. Law tutorial classes are also held for correspondence
college students providing them with an opportunity to meet at regular intervals to discuss their problems under the guidance of a tutor.

Law is not confined to Colleges of Commerce and also arises in the teaching of various technologies. Thus it is found in departments of Mining, Pharmacy, Building, Engineering and Catering and appears in the Industrial Administration courses required for Higher National Certificate Endorsement in Engineering and similar fields. In the larger Colleges Law is playing an increasing and not inconsiderable part as a Liberal Study in the more advanced courses for Diplomas in Technology and Higher National Diplomas. An example is the Civics course for Dip. Tech. students at Birmingham College of Advanced Technology, which includes such topics as the organisation of the law, law and morals, and the citizen and the state. This may not necessarily be the field for the professional lawyer but a reasonable knowledge of the Law and teaching ability is required. It is something worthy of greater attention.
CHAPTER 8
TEXTBOOKS

(Details of all textbooks referred to simply by the name of the author will be found as Appendix F.¹)

(a) Choice of textbooks

"Books are the tools of the lawyers' trade to an extent probably unmatched outside the field of literary criticism for our law proceeds to a large extent on the basis of statutory and judicial authority which grows at a frightening rate, and which also needs to be collated, explained and interpreted by textbook writers".² It is not surprising therefore that the importance of this subject led to considerable controversy and divergence of views on the part of both lecturers and students. At the same time, experience suggest that far too frequently insufficient attention is given to both the choice and use of textbooks.

¹ Infra p. 407.
² Paul Brodetsky, loc cit., p.59.
The choice of a textbook may depend upon the personal opinion of the lecturer or it may be determined by the college or prescribed by the examining body. Difficulties arise where classes contain students preparing for different examinations. Another problem is that so many of the textbooks available were written by lawyers for law students and are not particularly suitable for students in Colleges of Further Education.

Perhaps the main factor affecting the choice of a textbook is the recommendation of the examining body for whose examinations the students are being prepared. Quite naturally lecturers tend to follow these recommendations. Although a few of these bodies merely issue a syllabus and then leave the choice of textbooks to colleges or correspondence courses, in most cases a reading list is issued. This can be particularly useful if a student knows that the examiner is the author of one of the recommended books. In one case the recommendation regarding reading for a General Principles of Law paper is carried to one extreme by
prescribing James and listing in detail only the pages upon which candidates will be examined. At the other extreme, one association issues a bibliography, described as 'not exhaustive', which recommends twelve textbooks, seven being starred as 'basic', for one Law paper, and another recommends nine books for an Intermediate Law paper and eight for a Final paper whilst advising students not to restrict their reading within the list. Lecturers who have experienced the difficulty of inducing part-time students to read one textbook will appreciate how ambitious such reading lists are. It would appear also that most associations do not pay sufficient attention to revision of reading lists and that the same books are repeated year after year with little thought being given to the matter.

Lecturers and colleges cannot be absolved from all blame in this respect by passing the responsibility over to examining bodies. Where the choice is entirely in the hands of the colleges there are
examples of most unsuitable selections of textbooks. For example, it is not unknown for a Solicitors' Clerks Course containing students of sixteen with no previous legal study to use textbooks such as Winfield and Salmond for Tort, Cheshire for Real Property and even Archbold for certain aspects of Criminal Law and Procedure.
(b) Preferences of Lecturers.

As expected, the comments by, and preferences of, lecturers regarding textbooks varied enormously since so much is matter of personal opinion. All books, taken by themselves, have their shortcomings and the smaller the book the greater tend to be the deficiencies unless it is a very specialised book such as Maitland's Forms of Actions. The perfect textbook will not appear for any lecturer until he can find the time and a publisher and produce his own. Until this time it is possible to overcome deficiencies in the chosen textbook by supplementing it with duplicated notes or other means.

Much depends upon how the textbook is to be used. Law is a subject that needs to be taught and the slavish following of a textbook is to be condemned. If students are attending classes regularly and the teaching is good the book is required only for background reading and reference. The choice should then be made accordingly.

Table 10 shows the preferences of Law lecturers
### TABLE 10: PREFERENCES OF LECTURERS REGARDING TEXTBOOKS

<table>
<thead>
<tr>
<th>TEXTBOOK</th>
<th>NO. OF LECTURERS</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Principles:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank</td>
<td>41</td>
<td>36.6</td>
</tr>
<tr>
<td>James</td>
<td>38</td>
<td>34.0</td>
</tr>
<tr>
<td>Metcalfe</td>
<td>20</td>
<td>17.8</td>
</tr>
<tr>
<td>Other books</td>
<td>13</td>
<td>11.6</td>
</tr>
<tr>
<td></td>
<td><strong>112</strong></td>
<td><strong>100</strong></td>
</tr>
<tr>
<td><strong>Commercial Law:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlesworth</td>
<td>49</td>
<td>51.0</td>
</tr>
<tr>
<td>Stevens</td>
<td>18</td>
<td>18.7</td>
</tr>
<tr>
<td>Slater</td>
<td>10</td>
<td>10.4</td>
</tr>
<tr>
<td>Chance</td>
<td>8</td>
<td>8.4</td>
</tr>
<tr>
<td>Other books</td>
<td>11</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td><strong>96</strong></td>
<td><strong>100</strong></td>
</tr>
<tr>
<td><strong>Company Law:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlesworth</td>
<td>23</td>
<td>34.8</td>
</tr>
<tr>
<td>Topham</td>
<td>21</td>
<td>31.8</td>
</tr>
<tr>
<td>Goitein</td>
<td>6</td>
<td>9.1</td>
</tr>
<tr>
<td>Gower</td>
<td>5</td>
<td>7.6</td>
</tr>
<tr>
<td>Farrar</td>
<td>4</td>
<td>6.1</td>
</tr>
<tr>
<td>Other books</td>
<td>7</td>
<td>10.6</td>
</tr>
<tr>
<td></td>
<td><strong>66</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
for the books available for three of the principal legal subjects taught in colleges.

For General Principles of Law, preferences are almost equally divided between Frank and James. Frank is concise and inexpensive and it seems to be more popular with students, possibly because of its size. In some places it is said to be rather sketchy, tending towards over-simplification and to be lacking in detail and illustration. Although it needs supplementing it is perhaps the best book for students at O.N.C. level. James is a larger and more detailed book but it tends perhaps to be a little too technical in its approach. It is generally used with better groups of students but it is not always popular, particularly with banking students, for whom it is specially recommended. It is extremely difficult to strike the right balance for just as James is rather long for elementary students, so Frank is too brief.

The only other book in this field deserving consideration is Metcalfe. This is similar in size to
Frank but suffers in that it was not written for the specific purpose of preparing students for O.N.C. and Intermediate Professional examinations and omits certain topics required for this purpose. Its style makes it slow reading for younger students who in consequence regard it as dull and difficult. Ten other books were mentioned but most of these, for example, Geldhart, Kiralfy, Jenks and Hood Phillips, are more suitable for first year University students.

For Commercial Law, Charlesworth, in spite of a little criticism, is easily the most popular textbook. It is adequate for most examinations in this subject, contains sufficient, but not too much detail and presents its illustrative leading cases in a concise yet readable form. It is for the most part, very popular with students. Eleven other books were listed for this subject but only Stevens, Slater and Chance were sufficiently popular to deserve mention.

For Company Law, the preferences were again almost
equally divided, this time between Charlesworth and Topham. Both are excellent books and can be used by both elementary and advanced students. Goitein, Gower and Farrar received some support and four other books were mentioned, though of these Palmer is more suitable as a reference book for advanced students.
(c) Views of Students

The views of students upon their textbooks also varied considerably but since the same books were often used by different types of students at different levels this was only to be expected. Thus James was found to be far too detailed for some purposes but to contain insufficient detail for others.

It would appear that part-time students tend to read more of the prescribed textbooks than do full-time students but, as will be seen in Chapter 16, part-time students on the whole spend more time on legal studies apart from actual lectures. 3 92% of part-time students stated that they had read all, or substantial part of, the prescribed textbooks compared with 84% for full-time students. This difference may not seem to be very great but if regarded from the opposite point of view the proportion of full-time students who have read none or little of their textbooks

is twice as large as that for part-time students. The reason for this is not easy to suggest. It may be due to the fact that part-time students on the whole are more tied by external examinations and rigid syllabuses and perhaps in consequence take their studies more seriously or it may be that they have a greater need to supplement lectures, which are frequently shorter and more likely to be given by less experienced part-time lecturers.

Students were asked if they found their textbooks readable and the affirmative answers amounted to 67% for full-time students and 83% for part-time students, with little variation from these proportions for the various legal subjects. Their replies to a further question as to whether they thought that their textbooks adequately covered their course produced affirmative answers from 67% of full-time students and 79% from part-time students, although as several pointed out this question was more difficult to answer for they were then hardly in a position to judge.
The reason for these differences may also be found in one of the suggestions put forward in the previous paragraph or it may be that full-time students are more discerning and critical of their textbooks with more time at their disposal to think about these things.

Bearing in mind the fact that different students had different requirements and were regarding the books from different standpoints one important criticism was that most books made little attempt to cater for the student who was a beginner in that subject. Terminology and phraseology, inadequately explained, apparently led to confusion in many instances and made the books difficult to understand. There were many pleas for more examples and illustrations and for more details regarding the cases that were cited. In connection with the latter it was pointed out that a mere reference to a case is of little use if, as was usual, the student has no time to follow up the reference. There were requests for the inclusion of controversial topics wherever possible and the suggestion of arguments which could later form the basis for discussions.
Other criticism was largely devoted to the deficiencies of particular books for particular purposes. In more general terms, however, it was felt that books on General Principles of Law could profitably devote much more attention to what might be called English legal institutions and less to details of substantive law.

Two books were used in sufficient numbers for a more detailed comparison to be made. These were James and Frank, the two principal books used for General Principles of Law. Of students using James, 34% said that they had read all or substantially all of the book, 50% had read parts and 16% had read little or none. The corresponding figures for Frank were 59%, 28% and 13% which suggests that both books are read by similar proportions of students but, because of its size, James tends to be used more as a reference book and to be read in parts only. This shows the difficulty of persuading students to read the whole of even one book connected with their subject if it contains more than 150 to 200 pages.
James was said to be readable by 62% of the students and Frank by 85% and although other factors may have influenced this I would suggest that the respective size of the two books was the most important consideration again. Students are put off more by James which has more than two and a half times as many pages. Rather surprisingly only 65% thought that James adequately covered their course whilst 75% said that this was the case with Frank. It should be remembered though that the books are used for different courses and James is usually prescribed where a greater depth of knowledge is required. Much depends also upon the students' interpretation of 'adequacy' for in addition to meaning that there is sufficient material in the book they may also be thinking in terms of whether or not the book contains extraneous material not required for their own particular purpose.

The reading pattern for full-time and part-time students regarding these two books followed fairly closely the general reading pattern outlined above and
does not require detailed description. It would appear though, that James tends to be more popular with full-time students and Frank more popular with part-time students.

Further comments upon these books tend to be based upon the requirements of individual students. James was said to contain too much detail on a number of topics and in consequence students found difficulty in grasping the basic essential facts and underlying principles. There was said to be insufficient information on the legal profession and it was thought to be inadequate on the subject of Tort. The early chapters tend to be particularly difficult for the student beginning a study of Law. Frank on the other hand was criticised for insufficient detail on a number of topics, his failure to deal with criminal law, and for condensation of certain topics, such as Property, leading to confusion in the minds of the readers.

Although some of this criticism may be justified I feel that a certain amount of it comes from students
who rarely use the textbooks apart from where necessary for essay topics. If there is then insufficient information on the topic they require they tend to feel disappointed and blame the book. The majority of students would agree that both of these books have considerably more strengths than weaknesses and are generally adequate if chosen carefully with the type of student who is to use it borne in mind.
(d) **Suggested Needs**

Almost 50% of the lecturers, 64 in number, stated that they had no difficulty in prescribing textbooks for the courses with which they were concerned. As one remarked though, 'Prescribing is one thing, persuading students to obtain and read the books is quite different'. If the difficulties mentioned by the other lecturers, some have already been outlined above and the remainder may perhaps be best summarised by mentioning the needs that are believed to exist. The principal suggestions were as follows:

(i) An elementary or introductory book on General Principles of Law for students who are taking Law as a background subject, perhaps in a secretarial course. Such a book requires to be broader and less technical than the existing books in this field and contain plenty of illustration and even photographs. This book could also be used by O.N.C. students who are not usually so advanced as intermediate professional students
and by other courses such as Journalists. It could take the form of a simple case book though this is really another requirement for a separate book.

(ii) A more advanced book in General Principles of Law for courses where more detail is required, such as G.C.E. Advanced Level, Intermediate D.M.A. and Intermediate LL.B. (English Legal System paper). It has been represented to me that none of the general books deal with the topics in sufficient depth for many of the questions in the examination paper and yet more advanced books such as Hood Phillips and Kiralfy, which are in general use at universities, tend to be too involved for students at this level. The number of times this matter was raised makes it worthy of consideration but I do not feel that the 'gap' between, for example, James and Hood Phillips and the consequent need for a new book is as great as some lecturers have said. The gaps that existed in this field, say ten years ago, have largely been filled and additional books are appearing each year.

(iii) Books to cover the syllabuses of certain professional
bodies where such syllabuses are composed of topics drawn from different branches of law. Thus the Institute of Builders include General Principles, Administrative Law, Contract, Tort, Property and special aspects of Building law in the one paper and the Law syllabuses for the Intermediate I.M.T.A. and the Advertising Joint Intermediate examinations provide further examples.

The syllabuses of the Institute of Bankers received some criticism on this account for although James is recommended for Part I it does not cover the ground adequately in view of the emphasis upon Commercial Law, particularly the detailed knowledge required of Negotiable Instruments. The syllabus for the Law relating to Banking at Part II is so wide that three books are thought to be the minimum.

Industrial and Commercial Law are sometimes put together as in the syllabuses of the I.C.W.A. and the B.I.M. and occasionally Contract and Tort as in the old syllabus of the R.I.C.S. In the former case there are two possible books, Light and
Frank, but neither is really sufficiently comprehensive although Frank is more popular with students. The difficulty in both cases where two or more books are used is that there is nothing which is intermediate between the elementary and the advanced.

If professional bodies feel that these composite syllabuses are desirable they would be giving considerable assistance to their students if they sponsored the publication of appropriate textbooks.

(iv) In Industrial Law there appears to be a need for an intermediate book which is not so detailed as Mansfield Cooper.

(v) For Commercial Law syllabuses in the H.N.C. in Business Studies it has been suggested that the general books on Commercial Law are barely sufficient and the separate subject textbooks of Cheshire and Fifoot and Schmithoff are too comprehensive. I do not feel that this need is very great though a book written from the viewpoint of the businessman rather than the lawyer would be useful.
In conclusion, consideration might be given to the publication in this country of the 'Tutor Text' type of textbook. Such a book is 'Practical Law' by Warren Lehman, which is based primarily on the Law of Contract but which includes chapters on the transfer and mortgage of real property, procedural law and a description of the court system in the United States. The teaching machine technique is used, for although the pages are numbered in the usual way, they are not read consecutively. At the foot of each page is a multiple choice proposition and, depending upon the selection made by the student, the directions to be followed to determine which page to read next. Cross-references at the head of the page provide a further check that the correct order is being followed.

It is argued that this method is similar to the student having a personal tutor for the Tutor Text will question and correct errors as well as impart information. The student is in fact questioned continually as he reads, and only by answering each question correctly can he proceed to the next point.
This automatic tutoring method is said to encourage the reader to obtain a thorough knowledge of the material in the text, since it is not possible for him to skip through the book, picking up a smattering of information on each page. Whether or not this method fulfills the claims made on its behalf, it is at least worthy of experiment.
CHAPTER 9
LIBRARY AND RELATED FACILITIES

(a) Provision of Facilities

Although this question must be considered in relation to the amount of Law teaching carried on in the college, such facilities vary enormously from one college to another. In some cases very few even of the basic legal textbooks are available whilst in others there may be a very good Law section in the library together with Law Reports and several periodicals. This is only to be expected but it does mean that in many cases lecturers and students are working under considerable difficulties.

A good Law library is the most important facility Law lecturers and Law students require and they should not be obliged to rely upon public libraries or those of a university or local Law Society. In one large college the money does not run to buying a new edition of standard works. It is realised that there are so
many competing claims upon college libraries and that funds are limited but too much depends at present upon whether or not there is an enthusiastic full-time Law lecturer to press the claims of his subject. Where much of the teaching is done by part-time lecturers the books tend to be old and obsolete. Colleges should realise that keeping up to date may be more expensive in Law than in other subjects and that there are considerable dangers in using out of date textbooks. There appears to be a reluctance also to purchase more than one copy of standard books in general demand.

It is pleasing to note that there has been a gradual improvement in recent years, particularly where new libraries are being built up, and 64 lecturers stated that they were generally satisfied in this respect. Dissatisfaction was expressed by 37 lecturers, some from the larger colleges, and their complaints were largely based upon lack of funds, out of date books and poor library facilities generally.
<table>
<thead>
<tr>
<th>Provision by Colleges:</th>
<th>Under 5</th>
<th>5-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-49</th>
<th>50 and over</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Colleges</td>
<td>82</td>
<td>56</td>
<td>54</td>
<td>30</td>
<td>27</td>
<td>26</td>
<td>275</td>
</tr>
<tr>
<td>No. in Sample</td>
<td>14</td>
<td>26</td>
<td>22</td>
<td>12</td>
<td>10</td>
<td>12</td>
<td>96</td>
</tr>
<tr>
<td>No. of Colleges providing:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Periodicals</td>
<td>11</td>
<td>20</td>
<td>13</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>50</td>
</tr>
<tr>
<td>One Periodical</td>
<td>2</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>26</td>
</tr>
<tr>
<td>Two Periodicals</td>
<td>1</td>
<td>-</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Three Periodicals or more</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Law Reports</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>5</td>
<td>7</td>
<td>8</td>
<td>27</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Availability to Lecturers:</th>
<th>Under 5</th>
<th>5-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-49</th>
<th>50 and over</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Lecturers</td>
<td>65</td>
<td>60</td>
<td>81</td>
<td>48</td>
<td>54</td>
<td>98</td>
<td>406</td>
</tr>
<tr>
<td>No. in Sample</td>
<td>18</td>
<td>34</td>
<td>35</td>
<td>24</td>
<td>22</td>
<td>38</td>
<td>171</td>
</tr>
<tr>
<td>No. of Lecturers with access to:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Periodicals</td>
<td>15</td>
<td>26</td>
<td>22</td>
<td>8</td>
<td>3</td>
<td>4</td>
<td>78</td>
</tr>
<tr>
<td>One Periodical</td>
<td>2</td>
<td>8</td>
<td>9</td>
<td>13</td>
<td>10</td>
<td>7</td>
<td>49</td>
</tr>
<tr>
<td>Two Periodicals</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>7</td>
<td>22</td>
</tr>
<tr>
<td>Three Periodicals or more</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>Law Reports</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>8</td>
<td>12</td>
<td>25</td>
<td>57</td>
</tr>
</tbody>
</table>
Table II shows the provision of legal periodicals and Law Reports by college libraries and the extent to which these are available to lecturers. No account has been taken of the instances where the lecturer purchases his own copy or has access to a copy by means other than that through the college library. The sample taken covered 96 colleges, 35% of the total number, and 171 lecturers, 42% of the total. Apart from the very small colleges, which were under-represented, it was reasonably representative of the various sizes of colleges.

This table shows that in 52% of the colleges no periodicals are taken and in a further 27% only one. Only one college in five provides two or more. The figures for availability to lecturers are better, though only slightly so, since the larger colleges have the better facilities, but 45% have no access to periodicals through the college library.

Subscription to the various periodicals was as follows:
There does appear to be a need for more legal periodicals in college libraries. In this sample the 96 colleges subscribed to only 83 between them and if three colleges with less than five hours of Law teaching weekly can provide one, the 39 colleges with more than five hours of such teaching which provide nothing at present could surely do the same.

Table 11 also shows that Law Reports are provided by 28% of the college libraries and that 38% of the lecturers have access to them. Of the 27 colleges, 13 take the All England Reports, 11, the Weekly Law Reports and 3 take both.
As with legal periodicals, perhaps even more so, only the colleges with a considerable amount of Law teaching can justify the provision of Law Reports. Even then it is doubtful if many students will use them of their own accord although as Table 12 shows, this number is larger than is often thought. In the larger colleges with one or more full-time Law lecturers, Reports should be provided as a service for the staff. Table 11 shows that less than three in five of the colleges with 20 hours or more a week of Law teaching do this.

In all colleges students should be shown Reports, examine them for themselves and perhaps read selected cases. For this purpose it is difficult to justify the provision of a full set of Reports, but a few copies could be taken from time to time.

Looking to the future when many colleges expect the volume of Law teaching to increase, it is suggested

\[\text{Infra} \ p.199.\]
that more college libraries might seriously consider subscribing for Reports as an investment. To acquire a complete set would probably cost about £1,000 second-hand but a set of recent reports could be built up gradually, starting from now. It is disappointing that in the last four years at least four colleges have discontinued taking Reports whilst only three have begun to do so.
(b) **Use of the Library by Students**

There were 75 Law lecturers who said that, as far as they were aware, their students found little difficulty if they wished to use the college library whilst 41 answered to the contrary. Many of the points that were raised were not peculiar to the teaching of legal subjects but the problems are important enough to summarise.

In several instances there is no college library at all but only a small departmental library for the use of staff. Where a library does exist it is frequently in unsuitable and cramped premises with little seating accommodation and is sometimes used for other purposes as a typewriting or lecture room. Many colleges are scattered in different buildings and students may be as far as two miles away from the library.

The absence of a full-time librarian means a lack of assistance to students and too often means restriction in hours of opening. Closure of the library during
the lunch hour or in the evening, the most common
times for students to use it is not uncommon. Thus
one full-time student in reply to the questionnaire
stated that she had tried to use the college library
but without success. Restriction upon borrowing, even
by lecturers for use of books in class, was encountered.

Particular difficulties face part-time students,
especially those attending in the evening only. These
students have little time for reading in the library or
elsewhere but their difficulties are often increased by
restricted hours of opening. Coming straight from work,
they cannot in many cases arrive early enough to use the
library before classes start or if they do so may find
the library closed. After classes the library is again
usually closed. One evening student stated that he was
not aware of the existence of a college library.

In spite of these difficulties the general opinion
was that students do not make the best use of available
facilities. Most students experience the greatest diffi-
culty in getting to the library and the minority who do so frequently regard it as a quiet room for doing written work and not as a place of reference. These are usually full-time students straight from school. Rarely do students read outside the prescribed textbooks or more than the minimum required and many turn to the library only when it becomes a necessity. At the same time that library facilities are improved there must be greater efforts made to persuade students to use them and to interest them in background reading outside their prescribed textbooks.

Table 12 shows the extent to which students make use of available library facilities in a college which has a good Law section in its library and which subscribes both to Law Reports and a good selection of legal periodicals. The Table reveals that 64% of all students had consulted books other than the prescribed textbooks, this varying as expected as between different courses. The proportion was highest for full-time students with 92% — one should expect 100% here — and lowest for students taking a part-time course for the Higher National
<table>
<thead>
<tr>
<th>Table 12: Use of Library Facilities by Students</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Percentage of Students who have used or consulted:</strong></td>
</tr>
<tr>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td><strong>All-Time Students:</strong></td>
</tr>
<tr>
<td>Secretarial</td>
</tr>
<tr>
<td>Inter. Professnl.</td>
</tr>
<tr>
<td>Degree</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Part-Time Students:</strong></td>
</tr>
<tr>
<td>Inter. Professnl.</td>
</tr>
<tr>
<td>Final. Professnl.</td>
</tr>
<tr>
<td>LL.B.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>All Part-Time Day Students</strong></td>
</tr>
<tr>
<td><strong>All Evening Students</strong></td>
</tr>
<tr>
<td><strong>All Students</strong></td>
</tr>
</tbody>
</table>
Certificate in Business Studies where the proportion fell to 50%. Only 18% of all students had however used the Law section of the college library, the variations between different courses being again seen from the Table.

Table 12 also confirms the fact that legal periodicals are almost entirely used by lecturers and that most students rarely or never make use of them. Only 12% admitted to their use and the extent to which this applies to the various types of students can also be seen from the Table.
Professional students are at a considerable advantage so far as library facilities and other assistance are concerned for most of the professional associations help them in many ways and are continually striving to improve such services both in quality and quantity. It is usually the fault of the students if the maximum benefit is not made of these services. Recommendations regarding reading have been considered in the previous chapter and other forms of assistance will be outlined in this section.

Library facilities are usually provided and with the larger associations separate libraries are maintained by the provincial branches. Some are, however, only reference libraries and this may severely restrict their use. The strength of the legal sections is not known but it is believed that most of the standard books are included.

In conjunction with the library there is frequently
an enquiry or advisory service. Some associations give advice on such matters as methods of study and examination technique as applicable to the different subjects, including Law, by the issue of a booklet or pamphlet to students. An example is the Students' Handbook by A. O. Harris, published by the Building Societies Institute. One body has set up a special tutorial committee to assist students who are unable to attend classes. Another body, whilst encouraging attendance at Colleges and arranging classes through its local branches, also provides all its students with study courses. It is believed that 'this combination of correspondence course and oral tuition provides the student with the necessary foundation of factual knowledge in writing, prepared in a way directly addressed to the practical needs of his daily work, and with a stimulus that should come from "live" practical teaching.' The possession of the study course frees the teacher from the obligation to dictate detailed notes and increases the time available for exposition of difficulties and for discussion. This method is thought to be particularly
appropriate for legal studies in which students thus prepared apparently obtain much better than average results.

Provincial branches of the associations organise meetings and lectures and sometimes branch students' societies are set up for this purpose. Unfortunately such meetings are not always well attended and from the standpoint of legal studies the number of lectures devoted to legal topics, except in the case of a few societies, tends to be relatively small. One-day or week-end conferences and summer schools also include occasional lectures on legal topics.

A Journal is usually published and is distributed to all students. Where applicable a section is devoted to legal notes or recent cases or legislation and legal articles tend to be a regular feature. Some of these are directed specifically to students. Professional students were asked in the survey if they read or consulted these legal sections and 46% answered in the
affirmative, even though they may only do this occasionally and briefly. The proportions varied from 38% for Intermediate students to as high as 83% for Final students. Rather surprisingly, the proportion of evening students making use of these Journals was higher than that for part-time day students at both Intermediate and Final levels.

Other assistance includes the circularisation of Examiners' Reports and Model Answers for past examination papers, the issue of lists of evening classes, arrangements for the loan or purchase of textbooks and even financial assistance to cover cost of textbooks, tuition and examination fees. Several associations issue their own publications but few relate specifically to Law. Examples of the latter are 'Legal Decisions Affecting Bankers' and 'The Cheques Act, 1957'. Such books or pamphlets are normally issued when there is an important change in the law affecting the members of the association or if there is no suitable textbook in the field. Two associations stated that they were prepared to encourage and promote the writing of textbooks for all
subjects of its examinations but particularly in the field of Law. Sponsorship of textbooks more suitable to the particular needs of their professional students rather than to the needs of law students is something other associations might consider.

This section is concerned entirely with professional associations and does not include the Royal Society of Arts or the Regional Examining Unions. These are purely examining bodies and do not recommend textbooks or give any other guidance or assistance to students apart from through the Examiners' Reports. In this respect there is an important difference compared with professional associations.
(a) Examination Schemes

The most important external examinations in Law taken by students in Colleges of Further Education are those set by the professional associations and the procedure adopted by these bodies for the purpose of drawing up examination schemes, and for their revision whenever necessary, varies widely from one association to another. In some instances it is a very thorough and continuous process with a system of committees comprising or consulting representatives of all interested parties such as association members, examiners and lecturers. Care is taken to avoid 'fringe' overlapping as between one subject and another and often regard is paid to syllabuses in similar subjects of other bodies and, at Intermediate level, to O.N.C. syllabuses. In other instances the work is largely left in the hands of the Examiners. One association has a Consultative Committee on Company Legislation, composed of senior Secretaries and Directors,
which gives advice on what boards expect and need from newly qualified entrants, and changes in its examination scheme have been made from time to time in consequence of such advice.

The frequency with which revision is carried out also varies. Some associations reconsider details of syllabuses at frequent intervals, in one case annually, with a comprehensive review of the whole examination structure every three or four years. Several other bodies have introduced only minor amendments in the post-war period and there has been virtually no revision since before 1939 with no major changes envisaged for some time at least. It is difficult to fix definite intervals for revision, for too frequent amendments can detrimentally affect both students and those who teach them. On the other hand, a pre-war syllabus is hardly likely to be suitable today, if it were a good syllabus when introduced. If the syllabus is broadly drawn it will not require periodic revision except in the case of a major change in the law but it should be scrutinised at intervals of much less than twenty five years.
The major criticism here is that insufficient regard is taken of the views of lecturers in Law in Colleges of Further Education. There is no doubt that representations from such lecturers would be given serious consideration but in very few cases is there any formal machinery for consultation. In some cases there is no contact at all with colleges. Two bodies stated that advice was sought from the Universities and in many other cases this is obtained from the examiners, who are University lecturers. This advice is no doubt valuable but it is doubtful whether many University lecturers in Law fully understand the type of student, his conditions of study and his object in studying Law as part of a professional course. This can apply equally when an Examiner who is a legal practitioner is consulted.
(b) **Syllabuses**

Whilst appreciating the fact that professional and other examining bodies are qualified and entitled to ask for what they wish, there was a considerable amount of disquiet on the part of Law lecturers regarding the syllabuses and examination papers of such bodies. Most of this criticism was directed at the subject General Principles of Law, with which most lecturers were concerned and which is discussed in the next chapter. The other main points arising were as follows.

Syllabuses were said to be generally uninformative and not sufficiently precise in their requirements. Insufficient detail is given and lecturers receive little guidance, both as regards the scope of the syllabus and the amount of detail required for each topic. Expressions such as 'an elementary knowledge of the Companies Act, 1948' and 'the fee simple' give no indication of what is expected of the student. Criticism was levelled particularly at the I.M.T.A. Law papers where the extensive
ground to be covered, or attempted, justifies a more
detailed syllabus and perhaps even an alteration in the
title of the paper. In general, published syllabuses
should be more clearly formulated and more clearly define
the limits of the subjects on which examination questions
will be set. It should not be necessary to refer to past
examination papers to ascertain whether or not a partic­
ular topic is included in the syllabus. The London Uni­
versity LL.B. syllabuses with attached reading lists
were generally commended by lecturers on these grounds.

Many syllabuses were described as "antiquated", "out
of date" and "conservative". Examining bodies appear
reluctant to introduce changes and repeat the same sylla­
buses annually without being careful to bring them up to
date. The machinery for revision may exist but when it
creaks into action it does so rather slowly. Thus ref­
erences still appear to such topics as the contractual
capacity of married women and the Employers' Liability
Act, 1880, two topics which ceased to be of anything
more than technical interest in 1948. Even representations
to the bodies concerned often bring no effect. The 1961/62 U.L.C.I. syllabus containing revised schemes for the O.N.C. in Business Studies, included "Formalities under Section 4, Sale of Goods Act", a section repealed in 1954, and this has been repeated in the two succeeding sessions. The old R.I.C.S. syllabuses were referred to as 'what you would expect about 1900' but these have now been drastically changed and a big improvement made.

The differing content and emphasis of syllabuses covering approximately the same ground bring difficulties for small colleges where students taking different examinations are of necessity grouped in the same class. The number of students can almost equal the number of examinations and it is not unknown for one evening class to contain students for C.C.E. 'A' level, Institute of Bankers, C.I.S., C.C.S., C.N.C. II, pre-H.N.C. and Accountancy examinations. Whilst appreciating that complete uniformity of syllabuses is neither possible nor desirable it is often impossible at Intermediate level to cover all the requirements of the different bodies when numbers are too small
to run separate classes. There are many unnecessary minor variations and even where syllabuses are identical, different examination papers produce different emphases. Banking students are particularly difficult to cater for, since their Part I concentrates to a much greater extent upon Mercantile Law than do most of the other syllabuses in General Principles of Law. More uniformity is desirable although the introduction of O.N.C. and O.N.D. courses is helping to overcome this problem a little.

More attention should be paid to the type of student and allowances made accordingly. Too much is attempted in elementary courses, such as O.N.C., with the student, aged sixteen to eighteen who has a limited background both from a general educational and from a business point of view. It should be remembered that the O.N.C. is supposed to be the equivalent of the Intermediate Professional Examination which many were formerly content to pass at the age of twenty or later. Longer courses, perhaps spread over two years, or less extensive courses, are perhaps the answer for the majority of these students.
At present they seem to be unable to grasp the subject properly in the short time available and it becomes simply memory learning. Superficial study and the superficial answers which result are of little value in this subject.

Professional bodies were criticised in this respect. In some cases relatively advanced textbooks are recommended for elementary students, which tend to baffle and discourage them. My attention has also been drawn to certain of their Examiners' Reports which suggest a lack of understanding of students' problems.

Far too much is contained in most syllabuses and an attempt made to cover too much ground for the limited time available. In most cases this is only one session of part-time study of perhaps 40 to 45 hours of lectures. This is particularly the case at Intermediate level but most syllabuses would profit from some pruning. As developments in the Law take place they are added to the syllabus but rarely is anything taken away. There is often a certain amount of needless duplication when topics
such as Contract or the Sale of Goods Act are repeated at different stages of the course. The Law syllabus of the I.C.W.A. which attempts to cover Industrial and Commercial Law in one paper after one year’s study was thought to be impossibly and absurdly wide. Similarly the Business Administration syllabus of the Institute of Mechanical Engineers contains far too much subject-matter in the legal section for the short nature of the Course. Criticism on these grounds of the Law syllabus of the Institute of Builders and that for the Advertising Joint Intermediate Examination was contained in Chapter 8.¹

This problem is not confined to this country but applies also to the U.S.A. Thus, 'The faults of the customary high school course in business law arise chiefly from the attempts to summarise in one semester the technicalities covered in the three year professional program in a law school. As long as the subject is taught in this way it will not be of much help in strengthening one

¹Supra pp.184-5.
of the weakest links in our social system. 2

The published syllabuses of the regional examining bodies are for the most part sufficiently comprehensive for the experienced teacher of the subject though difficulty might be experienced by a lecturer taking a course for the first time. A little more guidance upon where emphasis should be placed would be helpful. Again the main criticism is that too much is included for the time that is usually available.

The London Chamber of Commerce syllabuses appear to be fairly comprehensive and in sufficient detail. Criticism can be levelled at the syllabus for "The Constitution" however, which is a curious mixture of Constitutional Law, Jurisprudence and General Principles. An Intermediate paper in General Principles and a Higher paper in Constitutional Law would perhaps be a remedy.

The Royal Society of Arts syllabuses vary – some

are very satisfactory and others, particularly those for Commercial Law are very scanty and vague and would be improved by amplification. These syllabuses for both the R.S.A. and L.C.C. tend to be wider than those of the Regional Examining Unions but this is to be expected since for the most part a higher standard is the objective.

Even the colleges' own internal syllabuses are not above criticism. In one instance, full-time secretarial students with no previous experience of Law and with two hours a week allotted to the subject spent the whole of the first year of the course studying Contract and Agency. The second year was largely devoted to the Sale of Goods Act and Negotiable Instruments. It is little wonder that students became bored when they spent the whole of one term upon the detailed provisions of the Bills of Exchange Act, 1882, when it was almost certain that none of them would require such detailed knowledge either in business or everyday life. Fortunately this syllabus has now been amended so that General Principles of Law occupies the first year and Contract, Tort and other topics in Commercial Law are covered in the second year.
CHAPTER 11
GENERAL PRINCIPLES OF LAW

(a) As a Preliminary Study

There is a sharp division of opinion as to whether or not a student should begin his legal studies with an introductory course in General Principles of Law or whether he can and should begin a study of more vocational aspects of Law without such introduction. The argument for the latter approach is concisely put by Judge Charlesworth who states that, although an introductory course may appear at first sight to be very attractive, there are considerable difficulties revealed by further consideration. The leading principles of each branch of substantive law are not generally interrelated and problems can arise if they are merely grouped together to constitute a subject of study.

He goes on to say, 'My own view, however, judging by the test of results, is that it proves too difficult
for the average commercial student or even, as a first subject, for the average law student. The broad outlines, with the unfamiliar technical terms, seem rather to confuse than to enlighten the student. After all, generalisation nearly always comes after rather than before the details of the subject are learnt. The student grasps the concrete much more easily than the abstract, so that I would plead that the syllabus for legal education in commerce should deal rather with such subjects as contract, agency and the various specific contracts, bankruptcy, company law and the general principles of law if the best is to be got out of the student, always remembering the amount of time that he has to devote to the legal side of his commercial education.  

To summarise this argument - not until the student has acquired a knowledge of a substantial amount of substantive law do the general underlying principles become clear and does a study of them have any real or lasting value.

In spite of this argument the views of those in

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1 Charlesworth, J., loc. cit., p. 18
favour of beginning with General Principles appear to have prevailed with National Certificate Courses and to be prevailing with the professional associations. It has been successfully argued that the study of special branches of law without a previous general study of the legal system of which they form a part leads to a study of these branches in isolation with consequent confusion and lack of proper understanding.

A strong advocate of this approach is Dr. Schmitthoff who suggests that the ideal modern arrangements of legal subjects in a commercial syllabus should be a three-tier arrangement. The first year should be devoted to General Principles of English Law, the second year to Commercial Law and the third and subsequent years to special subjects such as Company Law, Shipping Law or Law of Carriage of Goods.

He continues, 'That arrangement presents the natural and logical sequence of law subjects and is, therefore, the most satisfactory from the educational point of view.
It enables the student to build up his legal knowledge gradually, and, in the end, to view the panorama of law in its logical greatness, with its ramifications in all branches of human activity, its firm foundation on public opinion, its roots in history and tradition and its natural growth towards progress and the future; at the same time he will perceive the special subjects affecting his own work in their proper perspective in their relationship to fundamental principles of law and to cognate subjects. The introduction to legal subjects in their logical sequence enables the student to build up that general legal background which, perhaps, is the most valuable permanent asset that he will gain from legal instruction; without that background the mastery of technical detail such as abounds in the law of negotiable instruments, companies or bankruptcy, must remain purely mechanical.\(^2\)

\(^2\)Schmitthoff, C.M., *loc. cit.*, p.4
(b) Practice of Professional Associations

The practice of offering a first Law paper in General Principles of Law began about 1950 and has received growing support since. Of the 34 professional associations under consideration there were fifteen in 1963 who offered General Principles of Law as a first Law paper, though four of these included it in a paper with other topics which meant that treatment was rather superficial. Five associations intended to introduce the subject in the future when their examination regulations were revised. There were three instances of its inclusion as a later Law paper and there were eleven associations which did not include it at all.

The reasons for the introduction of General Principles are many. In certain cases it has arisen out of a fundamental reappraisal of the association's educational policy with a radical change of emphasis in the examinations upon matters of principle rather than detail. There has been an attempt to make the Intermediate examination as
non-vocational as possible and to restrict the more specialist Law papers such as Company Law and Commercial Law to the Final examination. Previously there was considerable unnecessary repetition and duplication when these papers were offered in both examinations and one Final paper is now deemed to be adequate.

This standardisation at Intermediate level, which has tended to have a "snowball" effect with the associations, has enabled recognition to be given to the O.N.O. in Business Studies. It has helped the colleges to obtain sufficient numbers to form classes and therefore helped their students to obtain oral tuition in all but the smallest centres. Colleges have not had to look for so many lecturers in specialist law subjects.

Several associations support the change on educational grounds. General Principles of Law is thought to be particularly suitable for younger students with little background knowledge or experience. To begin the study of a particular branch of substantive law without any other legal background must inevitably lead to a large
amount of rote learning without understanding. One association which does not offer a separate General Principles of Law paper advises students, in a small booklet containing advice on studying, to read an elementary book on the English legal system first. It is pointed out that if this is done the intricacies of certain branches of substantive law will be better understood.

The associations which have rejected General Principles of Law for the most part agree that such a study is theoretically logical before the student passes on to more specialised aspects of the subject and it would certainly be of assistance in their later studies. On practical grounds, however, this would mean a widening of syllabuses beyond the terms of reference of the associations. Their policies were not to emphasise legal subjects beyond the basic knowledge required for the profession within the framework of the examination scheme. The aim was to enable students to obtain a grasp of the subject and its significance and practical applications
in their sphere of activity and not to make them skilled exponents of legal principles and practice. The latter would take more time than could be spared for the purpose when a student's time is already severely limited.

The view was expressed that the papers on General Principles now set by other bodies merely seek to teach students very little about a great many things, most of which he will never be called upon to use and on which he would in any case seek professional legal advice. Such topics as criminal law, wills and intestacies and real property were mentioned as sections which are completely divorced from commercial law. It was believed that the lack of general legal knowledge gave rise to no difficulty in teaching specialist law to beginners or if it was a slight handicap it was not sufficient to justify a separate paper to cover it.

There were also three bodies which introduce General Principles only at a Final stage after other law papers have been taken. This seems extremely hard to justify.
The reason put forward was that students only require a limited knowledge of the subject and this was the most convenient place in the examination scheme for it but this is not very convincing.

The apparent desire of the associations for standardisation of syllabuses has not been carried through to any great extent. It is not sufficient to call the subject by the same name; the content of the syllabus is of much greater importance. If these bodies wish to help the colleges to run courses for their students they could do much more than they do at present by offering the same syllabuses. An examination of their syllabuses shows wide variations and will be discussed later in this chapter.\(^3\)

\(^3\) *Infra* p.230 et seq.
(c) Views of Lecturers

General Principles of Law, when used as an introduction to a later study of more specialised branches of substantive law received particular criticism from lecturers. Even if law can be reduced to general principles, which is doubted by many, there is no general agreement as to what this subject shall include. Too often it simply consists of whatever the writer of a textbook or the creator of a syllabus chooses to include.

The subject usually covers the whole of English civil (and sometimes, criminal) law and it is doubted if the objects of the course are achieved. It is only possible to scratch the surface of such a comprehensive syllabus and it could be argued that a little knowledge of a wide subject is not as useful as a detailed knowledge of one or more aspects of the various branches. Professional students might benefit professionally and educationally from a more specialised study from the beginning instead of spending one year on a detailed
introduction'. This view was put very forcibly by one lecturer, based upon his own experience at university and as an articled clerk when no time was spent on an introduction, who did not feel that his understanding of the various branches of law suffered unduly.

General Principles of Law, as now offered by many professional bodies and the regional examining unions and included in most O.N.C. courses, was described as "wide and unrealistic", "absurd", "too ambitious" and as "a piece of folly and self-deception". Here more than anywhere else was there general agreement that there should be pruning of extensive syllabuses.

Property Law seemed to be the favourite topic for exclusion in view of its complexity and the impossibility of dealing with it adequately at this level. 'Surely the mysteries of Land Law are best ignored if there is not the time to treat them in depth'. Historical development, which requires a considerable knowledge of detail, was said to confuse more than assist a better understand-
ing of the subject. Other topics suggested for exclusion included Trusts, Succession and remote matters such as Nationality and Domicile which occasionally appear in examination papers.

As expected other topics which do not normally appear were suggested for inclusion. It was regretted that the Organisation of the Courts was specifically excluded from the C.I.S. syllabus. Criminal Law, containing more human interest, was thought to be a more suitable topic than the Law of Property, especially for secretarial students, and the replacement of the former by the latter in 1961 by the Royal Society of Arts was considered to be a retrograde step. International Law and Conflict of Laws appear to have more relevance for the future and the introduction of Procedure was felt to be likely to make the syllabus more practical. Unfortunately the inclusion of these topics would widen the syllabus still further.

One lecturer suggested that the replacement of
General Principles of Law by British Constitution would give a broader and better training and that the latter would be just as good a subject to precede the study of Commercial Law. Perhaps a better suggestion though, is its replacement by a descriptive course on the English Legal System, leaving the treatment of all substantive law to Final level and only introducing it there when it is strictly necessary to the profession in question. In this way some thoroughness could be given to the treatment.
(d) **Analysis of Syllabuses**

To ascertain what examining bodies mean by General Principles of Law, an examination was made of their syllabuses.

The syllabuses of the regional examining unions follow a similar pattern and usually include the following topics - Sources of English Law, the Courts, Legal Persons, Contract, Tort and Property. The E.M.E.U. is slightly different in that less stress appears to be placed upon substantive law and a section is included which is entitled "Rights of the Individual". This section appears to be a little vague, since it includes such unconnected topics as the powers of the police, national insurance, legal aid and defamation.

The eighteen syllabuses in General Principles published by professional associations varied considerably in their comprehensiveness. One merely stated "The general principles of law" and presumably left to the
lecturers the job of deciding what to include. Another stated "An outline of the nature and sources of English Law" which gives little more information. Other syllabuses gave a considerable amount of useful detail.

A knowledge of the nature and sources of Law was generally expected and the following topics were mentioned in this context - common law (11 associations), equity (12), custom (7), statute law (13), judicial precedent (11), Law Merchant (1), delegated legislation (3), Judicature Acts (3). Two bodies included Parliamentary Law Reform and one expected a knowledge of the feudal system.

Reference was made to legal persons and personal relationships in 13 syllabuses. Topics here included married women (2) - of no consequence since 1948 - guardians (2), infancy (4), nationality and domicile (3), the Crown (4), Corporations and unincorporated associations, including partnerships (9), agency (6), insanity (1) and bankruptcy (1).

A study of the Courts of Law was required in 13
instances although one body limited this to the civil courts with the surprising exception of the county courts. The criminal courts received two specific mentions. Administrative tribunals (5), arbitration (1), the legal profession (6), Judges (2), legal aid (1) and procedure (1) also appeared in this section.

All these associations required a knowledge of the general principles of Contract though only 11 attempted to indicate the depth of knowledge by giving details, some of which were very comprehensive and others very sketchy. Assignment was mentioned by 7 bodies and negotiability by 4.

The Law of Tort was included by 11 associations and 7 of these specified detail regarding the extent of study here. Topics mentioned included nuisance (5), negligence (5), trespass (5), defamation (5), conversion (2), vicarious liability (6), whilst detention, *Rylands v. Fletcher*, civil conspiracy, dangerous premises, interference with contract, defences and remedies each appeared
in one syllabus.

Twelve bodies included certain aspects of the Law of Property. This generally meant a knowledge of such elementary concepts as real and personal property, ownership and possession, and freehold and leasehold. Trusts and mortgages appeared in six syllabuses and other topics mentioned included settlements (2), pledges and liens (5), transfer of ownership (2), equitable interests (1), bailment (1), easements (1) and choses in possession and in action (1). Wills and intestacies appeared in five syllabuses.

Most associations were prepared to stop at this but some went further and added other subject-matter. An outline of criminal law was required by five bodies and a fairly detailed knowledge by another. Constitutional and Administrative Law in some detail appeared in three syllabuses. Other vague topics included Central Government Departments and Local Authorities, Judicial Method, English Legal Institutions, and 'The Anglo-American legal
family and the Roman legal family.'

It would appear that there is no common agreement upon what is meant by General Principles of Law and it really does mean what the association intends it to mean. How can a lecturer, in perhaps 1 1/2 hours per week for less than 30 weeks, cover all of the above topics, as he must do if he has a class of students taking different examinations. There is little opportunity for omission if students are to be expected to answer eight out of ten questions with the additional hazard of questions on topics such as marriage which, although not mentioned above and presumably outside the syllabus, occasionally appear in some examination papers.

This variety in syllabuses supports the arguments of several bodies who have rejected the inclusion of the subject. If the subject is to have any value and Colleges are to be assisted in providing classes, rationalisation of syllabuses is a necessity.

A further difficulty facing the Colleges is that in
six cases the subject has been grouped with others and forms only part of the syllabus and the examination paper. One association has combined it with General Commercial Knowledge and four with what might loosely be called elementary commercial law, the content of which varies from one association to another. Perhaps the most forbidding syllabus of all includes General Principles of Law, Commercial Law and Law of Local Government in one two-hour paper at Intermediate level. It is no surprise that this body recommends nine textbooks and advises candidates not to restrict their reading to books included in the list.

A final comment on these syllabuses is concerned with the deliberate exclusion by two important bodies of certain topics, particularly the organisation of the courts. The reason given for this was an attempt to avoid over-crowding the syllabus and yet far more remote topics are included. If the aim is to give the student a background of general legal knowledge, a study of the organisation of the courts would surely repay greater dividends than a study of strict settlements
and trusts for sale. There is a further anomaly since the syllabus of one of these bodies refers to the Judicature Acts which are very much concerned with the organisation of the courts and if, as is suspected, this is principally a reference to the 1873 Act then only one section of this statute did not deal with this subject. To be logical, reference to the Judicature Acts should be excluded.
(e) Views of Students

Most students found this subject useful and interesting, although the width of most syllabuses and the knowledge of detail required for most examination papers presented considerable difficulties. In view of the fact that other subjects were being studied concurrently, there was fairly general agreement that insufficient time was devoted to legal studies and that there was too much subject-matter for one year's study.

If more time cannot be found for the subject it was suggested that the subject might be treated in more general terms with less emphasis upon detail. In this way students would get a more complete and less disjointed overall view of the English legal system and the value of the course as an introduction to legal studies would be better achieved. Alternatively it was suggested that syllabuses should be restricted to fewer topics each of which could then be dealt with in greater detail.

A few students were critical of the course as
being far too general and insufficiently connected with their main goal of perhaps an Accountancy or an Economics qualification. Such students agreed that some knowledge of substantive law is desirable and I would accordingly refer them to the next chapter, where it will be seen that seven students out of eight stated that their study of substantive law had been assisted by a previous course in general principles.

The subjects normally studied in a course in General Principles were listed in the questionnaire and students were asked to state which they found interesting, difficult, likely to be of use in their future work or legal studies and likely to be of use in everyday life. The results are summarised in Tables 13 and 14.

It will be seen from Table 13 that 75% of all students found the subject interesting and that there was no variation between full-time and part-time students and little variation between the various topics. Tort and Legal Personality were found to be the most
### TABLE 13: GENERAL PRINCIPLES OF LAW: INTERESTS AND DIFFICULTIES OF STUDENTS

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<th>Percentage of Students finding subject</th>
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<td>INTERESTING</td>
<td>TOTAL</td>
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<td>Full-Time Students</td>
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<td>74</td>
<td>73</td>
<td>31</td>
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<td>71</td>
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<td>85</td>
<td>27</td>
<td>30</td>
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<tr>
<td></td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>40</td>
<td>43</td>
</tr>
</tbody>
</table>
Interesting and Property of least interest. Full-time students were much more interested in the Courts and the Legal Profession, possibly because more time had been devoted to these topics and they had had more opportunity of making court visits. On the other hand, part-time students found greater interest in Contract and Property for, with their business experience, they were better able to appreciate the practical aspects of these subjects.

Table 13 also shows that 41% of all students experienced some difficulty with the subject and again the total results for full-time and part-time students showed little variation. There was, however, considerable variation here between the various topics - Property apparently giving the greatest difficulty and Legal Personality the least. Full-time students found much less difficulty with the Legal Profession and the same applied to part-time students with Contract, no doubt for the reasons mentioned in the previous paragraph. In general, there was fairly close correlation between
the topics found to be interesting and those presenting the least difficulty.

Turning to Table 14 it will be seen that most students were of the opinion that the course will be more useful in everyday life than in their future work or legal studies. As mentioned above the value in respect of the latter is not realised until later and at this stage the course is regarded more from a general educational than from a vocational standpoint.

Full-time students felt that the course would be more useful in all respects than did part-time students. Both types of students were however, fairly generally agreed upon the relative unimportance of Sources of Law and Legal History, particularly the latter, and the importance of Contract and Tort, the latter being of more likely use in their everyday life.

Finally, students were asked about the content of the course and whether they felt that any topics could
<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Percentage of Students believing subject will be useful:</th>
<th>In their future work or legal studies</th>
<th>In everyday life</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Full-Time Students</td>
<td>Part-Time Students</td>
</tr>
<tr>
<td>Legal History</td>
<td></td>
<td>29</td>
<td>16</td>
</tr>
<tr>
<td>Sources of Law</td>
<td></td>
<td>38</td>
<td>24</td>
</tr>
<tr>
<td>Courts of Law</td>
<td></td>
<td>59</td>
<td>24</td>
</tr>
<tr>
<td>Legal Profession</td>
<td></td>
<td>63</td>
<td>39</td>
</tr>
<tr>
<td>Contract</td>
<td></td>
<td>92</td>
<td>87</td>
</tr>
<tr>
<td>Tort</td>
<td></td>
<td>77</td>
<td>69</td>
</tr>
<tr>
<td>Succession</td>
<td></td>
<td>58</td>
<td>43</td>
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<tr>
<td>Property</td>
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<td>75</td>
<td>58</td>
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<tr>
<td>Legal Personality</td>
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<td>75</td>
<td>72</td>
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<tr>
<td></td>
<td>Total</td>
<td>62</td>
<td>47</td>
</tr>
</tbody>
</table>
be excluded or have less time devoted to them or whether there were any topics that should be included or have more time devoted to them. So far as exclusion was concerned there was overwhelming agreement that Legal History was over-emphasised. It was said to be dull and unrelated to modern circumstances and would be far more interesting if shortened. With regard to Property there was a difference of opinion, some feeling that it should be given far less stress and others that its difficulty deserved more time and explanation.

As in the case of Law lecturers there was a lengthy and varied list of suggested topics for inclusion in spite of the feeling that syllabuses were already overcrowded and that there was quite sufficient in present courses. Criminal Law was easily the most popular topic for inclusion. This is not surprising for, looking at the subject from a general educational standpoint, students wished to acquire a background knowledge of the legal principles behind the many cases reported in the newspapers.
In general, there was a plea for a more practical approach to the subject with a greater emphasis upon those aspects affecting business and everyday life. More time should be devoted to cases, particularly current cases, and there should be more time for discussion of controversial topics at the expense of such things as dictation of notes. Much depends of course upon the lecturer taking the class, as to whether these things can be done, particularly if there is an external examination to pass.
CHAPTER 12
SUBSTANTIVE LAW

(a) The content of Commercial Law Syllabuses

Many branches of substantive law are taught in Colleges of Further Education but the most important branch is Commercial Law, however this importance be measured. Consequently most of this chapter will be devoted to this subject although the final section will include a few comments by students upon other subjects.

Dr. Schmitthoff's view\(^1\) is that a well-planned course in Commercial Law should be divided into three parts. The first should deal in some detail with the Law of Contract because of its overriding importance. The emphasis here should be upon topics which are important from the practical point of view, such as the formation of the contract, its performance, frustration and measure of damages in the case of breach and modern

\(^{1}\text{Schmitthoff, O.K., loc. cit., p.5.}\)
developments such as 'exemption' clauses and standard contracts. He would largely ignore subjects such as infancy, contracts of record and much of the law of consideration which are of little practical importance.

Secondly, he would deal with commercial contracts giving a detailed treatment of agency and sale of goods, especially export sales, and a treatment in outline of the law relating to other commercial transactions such as carriage of goods, insurance, negotiable instruments and bankruptcy.

The third part should include a treatment of commercial torts with particular attention to the law of negligence and its application in the rule of Donoghue v. Stevenson and the limitations to that rule. Other topics that could be included in less detail are defamatory statements in business communications, conspiracy, interference with contractual relations and passing off.

In general, most syllabuses cover the first two
parts but, as the following analysis of syllabuses will show, the third part is almost invariably neglected or omitted entirely. Most syllabuses emphasise the Law of Contract to an extent not justified in practice and at the expense of many other important topics which are either omitted altogether or merely mentioned in passing.

The syllabuses of the regional examining unions which are intended for O.N.C. students all include Contract, Agency and Sale of Goods. The N.C.T.E.C. have additional sections on Negotiable Instruments and Arbitration and the U.L.C.I. include Carriage of Goods. A little more detail would be helpful here for phrases such as 'Sale of Goods' do not convey much idea of the depth of treatment required. So far as the width of the syllabus is concerned I think that Contract, Agency and Sale of Goods are probably sufficient at this stage. The old U.E.I. syllabus which included these topics together with Hire Purchase, Carriage of Goods, Insurance and Negotiable Instruments was far too wide.

Seventeen syllabuses of professional associations
were examined, five at Intermediate level and twelve at Final level. Two bodies repeated the subject in both examinations and unnecessarily duplicated the study of certain subject-matter for both examinations. It is, however, pleasing to see that this practice, quite common a few years ago, is now dying out.

If we combine the Intermediate and Final syllabuses of these two bodies the fifteen syllabuses show considerable variation though not to the same extent as was the case with General Principles of Law. The following shows the number of times the various topics arise:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract</td>
<td>15</td>
</tr>
<tr>
<td>Agency</td>
<td>13</td>
</tr>
<tr>
<td>Sale of Goods</td>
<td>15</td>
</tr>
<tr>
<td>Hire Purchase</td>
<td>6</td>
</tr>
<tr>
<td>Negotiable Instruments</td>
<td>13</td>
</tr>
<tr>
<td>Carriage of Goods</td>
<td>8</td>
</tr>
<tr>
<td>Partnership</td>
<td>9</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>7</td>
</tr>
<tr>
<td>Companies</td>
<td>4</td>
</tr>
<tr>
<td>Insurance</td>
<td>5</td>
</tr>
<tr>
<td>Guarantee and Indemnity</td>
<td>7</td>
</tr>
<tr>
<td>Lien</td>
<td>6</td>
</tr>
<tr>
<td>Arbitration</td>
<td>9</td>
</tr>
</tbody>
</table>

Mention is also made in the syllabuses of Bailment,
Fledge, Copyrights, Trade Marks, merchandise marks and passing off, designs, Stock Exchange, Patents, securities and mortgage of personalty, bills of sale and legal forms of association. In three instances a detailed knowledge of Industrial Law is also required.

It will be seen that there is a fairly common body of knowledge required for most examinations. There are, however, sufficient fringe variations to make the lecturers' work far from easy with mixed classes. Various reasons are advanced for the inclusion or exclusion of certain topics, for example, that the Law of Partnership is covered elsewhere by the Accounts Paper, but most of these reasons are not really convincing. A little rationalisation would be very welcome with this subject.
(b) **Views of Students upon Commercial Law**

As already explained, the expression Commercial Law can cover many things and, apart from a few standard topics such as Contract, Agency and Sale of Goods, which tend to appear in all syllabuses, there can be considerable variations in syllabus content. Bearing this in mind most students found the subject generally interesting although as many as four students out of every five stated that they experienced some substantial difficulty with it. Those students who said that it presented little difficulty admitted that this was because they gave it considerable attention.

Students were fairly equally divided on the question of its usefulness in their work, in fact there was a small majority for the view that most of the subject would be of little use. On the other hand, three students out of four could see the value of the subject so far as their everyday life was concerned. This result is reasonable for they can already see the everyday
applications of law but have not yet reached positions of responsibility in business where they are called upon to use much legal knowledge. It does however, emphasise the fact that Law must not be taught in isolation but must be constantly related to other subjects and practical business situations and problems.

The value of Contract was generally realised both with regard to its business and its everyday use. It was found to be an interesting subject but presented certain difficulties. Misrepresentation and Mistake, especially the former, seem to give the greatest difficulty and are hence thought to be uninteresting topics. Several students pointed out that much of their study on Contract was duplicated since it had usually been covered in depth on a previous introductory course.

It is not possible to mention every topic individually but of the more important ones, Agency, Sale of Goods and Partnership were stated to be interesting but the latter two were apparently difficult topics. Only
Sale of Goods was felt to have any considerable practical value. Negotiable Instruments was the most uninteresting and difficult topic and, apart from a little knowledge regarding cheques, was thought to have no practical value. In consequence, no doubt, it was felt that less attention should be given to Agency, Negotiable Instruments and Partnership and more attention given to Sale of Goods, especially in connection with the export trade, and with hire purchase. It was also suggested that some background knowledge of criminal law insofar as it affects mercantile transactions, could well be included and, if this cannot be included in the course elsewhere, an introduction to the Law of Taxation.

Many students thought that their syllabus was too wide for the time allowed, thus preventing a comprehensive study of the subject in all its aspects. There is often a great rush by the lecturer to complete the course with little time to digest and understand the subject-matter or for revision at the end. There is little time for discussion in class or for outside reading if homework
is to be done properly. It was felt that the complexity of the subject requires more time to be devoted to it if it is to be studied at all and if it is to be of much use in future life. If this is not possible less knowledge of detail should be required, not always necessary for the professional student, or greater attention should be given to particular sections instead of trying to cover every aspect, which only makes for confusion.

Case study, an extensive use of which is necessitated by the nature of the course, was said to be useful and interesting. A careful use of this can show in an interesting way the consistency and logic required to reach a decision and current cases were particularly welcomed. In view of the difficulty experienced by many students in remembering cases it was suggested that case study should be more selective, with an emphasis upon the more important cases and more guidance given to students in this respect. Students would also have liked a more comprehensive reading list with specific instructions as to the use of the various textbooks.
Other difficulties were caused by legal terminology, the number of various exceptions to the various rules of law and lack of guidance in answering questions. There was a desire for a greater choice of questions in many examinations. A change of lecturer in the middle of a course can often lead to confusion if the subject is then presented in a different manner.

The problem of shortage of time is aggravated where, as with the B.I.M. and the I.C.W.A., the students are expected to combine the study of Industrial Law with Commercial Law. Although much depends upon the individual and the nature of his work there appears to be a general preference for Industrial Law which is thought to be more interesting, easier to understand and of greater value. The Factories Act and wage legislation were popular topics and Trade Union Law perhaps the most unpopular.

Where students cover certain aspects of the Law of Tort together with Contract the former was found to be
more interesting by seven students in every eight. This is perhaps due to the fact that it is more concerned with everyday life and the individual's legal rights and liabilities. It does lend some support to Dr. Schmitthoff's view, mentioned earlier in this chapter, that certain aspects of the Law of Tort should be included in Commercial Law syllabuses\(^2\), a view which has so far found little support with examining bodies. Defamation, Trespass, Negligence and Nuisance were the most interesting topics in that order. Similar proportions found Tort easier to understand than Contract.

On the other hand, two students in three thought that Contract would be of more use to them in their work although this was often a matter of some speculation since it depends upon the type of work and this was not known in many cases. In the field of Tort they thought that a knowledge of "economic" torts would be of greatest use and liability for animals of least use.

\(^2\)Supra p. 246.
So far as everyday life was concerned two students out of three favoured Tort as opposed to Contract. The most favoured topics in order of estimated importance were Trespass, Nuisance, Negligence and Defamation, the most notable change here compared with interest being the decrease in the importance of Defamation. It is reassuring to note that several students mentioned Fraud as likely to be of little future use to them.

Of the students questioned on these matters, 80% had previously taken a course on General Principles of Law. 87% of these thought that it had helped their understanding whilst, of those who had not previously undertaken such a study, 65% thought that it would have been of some assistance to them. One student stated that his difficulties were almost certainly due to lack of previous experience and grounding in the subject.

The above criticism, although worthy of mention and investigation, did not come from all the students questioned. Some were of the opinion that Commercial Law
was a very interesting and useful subject which broadens the outlook and gives a wider understanding of everyday and business problems. To these the course was ideal with no topic over-emphasised and none superfluous. Other students were too pre-occupied with their examination syllabuses to give much thought to these matters at all.
(c) **Views of Students upon other Legal Subjects**

This section will include comments of students upon Constitutional, Company and Roman Law. Most students found Constitutional Law to be an interesting subject on the whole, though they did complain that the field of study was too vast for the time allowed in the detail that was apparently expected in the examination, particularly in the light of their other examination subjects. Whilst not questioning the usefulness of the factual knowledge they felt that some of this could be sacrificed to permit a more critical approach to the subject. Thus it was suggested that much of the history could be excluded or given less attention, apart from recent history, and more time devoted to a discussion of possible future changes. They would also prefer greater application of principles to topical events.

The sections found to be the most interesting were also those that were the easiest to understand. These included the sections dealing with topics which affect
people generally and which receive the widest publicity in newspapers and broadcasting such as Parliament, the Executive and Local Government. Conversely, the uninteresting sections were found to be the most difficult and included the historical background and theoretical concepts such as the Rule of Law and Separation of Powers. Case study was much preferred to study of statutory detail although both present difficulties by imposing a burden on the memory.

Many reserved judgment on whether or not their studies were likely to be of use in their work at a later date though they felt that the overall picture of the British Constitution that the subject gave could be very helpful. The sections on Delegated Legislation, the Police, the Citizen and the State, and the law affecting local authorities, particularly on financial matters, were thought to be of greater value in this respect than the History and the sections on Religion and the Armed Forces.
So far as everyday life was concerned the subject was said to be helpful in teaching a more reasonable outlook and approach to current affairs. The greatest value here was thought to come from the section concerned with the rights of the individual citizen and certain aspects of administrative law and little from the more theoretical topics.

In discussing interest and usefulness many students mentioned the value of the section dealing with the Judiciary and the Courts. Of these students less than 8% had previously taken a course in General Principles of Law and all of these thought that such a course had contributed to a better understanding of their present studies. Of the students who had not taken such a course 75% thought that it would have been of benefit. This suggests that a previous course in General Principles would be desirable both for the purpose of a better understanding of Constitutional Law and as a means of trimming its wide syllabuses.

Where Company Law formed part of another course
it was thought to be an interesting and useful subject to which more time should be devoted. When, however, it becomes a separate subject which calls for a treatment of detail rather than general principles it is not a popular subject with students. They tend to find it uninteresting and difficult and, so far as the detailed knowledge is concerned, they do not feel that it is likely to be of considerable use in their work or everyday life. Their principal preoccupation appears to be to cover sufficient ground for examination purposes but no more. Do we not perhaps spend too much time on the finer details which could perhaps better be devoted to other matters? Could the subject not be treated in a wider context by examining the place of the company in our business structure and the whys and wherefores of company legislation?

Most students found Roman Law interesting but difficult. They were particularly interested in its historical development and the picture, albeit fragmentary, that it presents of Roman Society. No doubt
for this reason the Law of Persons was more popular than
the Law of Things and the Law of Actions, whilst students
were fairly equally divided regarding the Law of Obliga-
tions. Difficulties arose out of the use of Latin terms
and expressions in certain textbooks without adequate
explanation or translation and out of the fact that the
object of study was not a static system of law but a
dynamic one, with the consequent necessity of tracing
the various changes in each topic over several centuries.
Textbooks in the subject are not generally stimulating.

Students were extremely doubtful of the value of
the subject in relation to the time involved, apart from
its use as a mental exercise. Although time for study
is limited they would prefer a little more stress upon
the background of Roman society and the Roman way of life
and the ideas and thought which tended to influence the
Law. They would prefer to treat the subject in a wider
and less detailed context as a picture of a complete legal
system and follow its development and survival in modern
European law, particularly where it has affected English
Law.
(a) Examiners

The methods of appointment of examiners in legal subjects adopted by the professional associations vary considerably. In some cases such posts are advertised, usually in the association's journal, but more frequently the appointment is made by invitation on the recommendation of a member of the Council or the previous examiner. The appointment is usually for an indefinite period subject to continued satisfaction on both sides. Even when the appointment is for a specific period, and in the case of seven associations it is on a year to year basis, there is usually an option for renewal and in practice it continues for a number of years. Only four associations publish the names of their examiners.

The examiner's control over the setting and marking of papers varies considerably. In some cases there is
an elaborate network of Moderators and Examination Committees whilst in other cases the work of the examiner is free from all but nominal control by the association. Six associations reported that they gave complete control to their examiners.

The Associations were asked if they drew their examiners from any particular field of activity and whether they preferred university lecturers, legal practitioners, members of the association or any other type of person. In many cases there was no official preference, the policy being to select the best available examiners irrespective of vocation, the sole criterion of choice being their standing in the fields in which they were asked to examine. This would suggest that they would be drawn from a wide variety of academic and professional fields but in very few cases is this so. There appears to be at least an unofficial preference for a certain type of examiner whilst in several cases this is stated quite openly. Thus six bodies favour university lecturers, eleven prefer legal practitioners, usually barristers,
and eight are inclined towards their members in professional practice who have legal qualifications. Only one association specifically stated that college lecturers were examiners though another mentioned this as a possible field from which appointments might be made.

It is probably true that there are more college lecturers than these replies suggest but the proportion is nevertheless extremely low. University Law lecturers are no doubt excellent examiners but their experience is largely with full-time undergraduate students reading only Law and not with part-time students studying Law as part of a professional course of study. Legal practitioners are no doubt experienced and up to date in their subject but probably similarly lacking in experience with the type of student they are examining. At times there appears to be a gap here between the professional associations and the colleges. Would this gap be filled if more college lecturers were appointed as examiners for professional associations? It would not be difficult to ensure that they did not examine their own students.
In the case of the regional examining unions, examiners in Law, as in other subjects, are appointed by the appropriate committee after public advertisement. Occasionally an appointment may be made by invitation. Examiners are appointed annually but in practice a person who is competent may serve for a number of years. Contrary to the practice of many professional associations there is a marked preference for practising teachers who are well-qualified and experienced in teaching and examining the subject in question, though not at the time to possible candidates. Only one body suggested that practical (legal) experience was a consideration of any importance. Two bodies publish the names of their examiners.

Control over the examiner’s work in setting and marking the papers is exercised by systems of Moderators and Moderating Committees. It would appear that, in general, there is greater control than in the case of professional associations. In some cases this perhaps goes too far when it is suggested quite strongly by one
body that the pass rate for a General Principles of Law paper should be about 75%. The implication is that any marked variation from this means that the examiner is not doing his job properly.

I feel that perhaps a little more guidance might be given to newly appointed examiners. A recent General Principles of Law paper contained nine questions, four of which were well outside the published syllabus. The ensuing complaints were held to be justified and the body concerned pleaded that the examiner was under the impression that the printed syllabus was only a general guide. Apparently the moderating system is not always foolproof.
(b) Examination Papers

The type of examination paper produced by the professional associations varies considerably. In most of the papers candidates are allowed three hours but there are a few two and a half hour papers, particularly at Intermediate level. In this time candidates are expected to answer from five to twelve questions, the average lying somewhere between six and seven. Four bodies set papers giving no choice whatsoever but in general candidates are expected to answer six or seven questions out of nine. The two extremes are exemplified by one body requiring answers to twelve out of twelve questions and another requiring five out of twelve, both in three hours.

Only three associations set 'problem' questions covering 50% or more of the paper and in one of these cases such questions rose as high as 30% of the paper. In most papers 'problem' questions, where the candidate is given hypothetical situations and asked to apply his
legal knowledge to their solution, occupied 25-30% of the paper though two bodies did not set such questions at all. One of these bodies stated that 'problems' were badly answered and materially reduced marking standards. The other believed that problem questions required a knowledge of case law and that general questions upon basic principles appeared to work satisfactorily and were all that was required for their own professional purposes.

Neither of these arguments is convincing. If the aim is to ensure a clear understanding of primary principles which an examinee can then apply in his practical work, questions requiring such practical application are obviously desirable. The 'essay-type' question too often produces specific answers which in many circumstances are derived from a feat of memory rather an understanding of the Law itself and are not a true reflection of the reasoning faculties of the examinee.

The associations were asked if, where relevant,
they had considered providing candidates in the examination room with copies of statutes in order that more practical questions might be set requiring an application, rather than a memorisation, of statutory provisions. This has been done for a number of years for certain Law papers by London University with a consequent raising of the standard of the examination.

Fifteen associations expressed their views on this question and in general the idea was not favourably received. Some were quite taken aback by the idea. Of the few who were inclined to support the idea or had an open mind on its possibility, only one association contemplated introducing it in the near future.

It was argued that some factual knowledge, as of multiplication tables in arithmetic, was necessary to practitioners and that the candidate should have sufficient knowledge of a subject to answer most of a question paper without outside assistance. He should be able, for example, to list the requirements for a Profit and Loss
Account and Balance Sheet with a fair margin of error from memory. Thus to ask a candidate to define a floating charge would test his memory and call for a right or wrong answer but, having called for this definition, to follow this with the requirement that he should discuss its weaknesses would apparently bring into play his reasoning powers.

It is felt that a candidate might be encouraged to neglect the subject a little in the belief that his shortcomings could be made good in the examination room. For the weaker student it might have little effect other than to cause him to spend valuable time searching for a quotable answer or the relevant section of the Act. Again so few candidates actually study statutes that they would be bewildered and confused if suddenly confronted with them in the examination room.

To adopt this system would mean a complete re-casting of ideas on examination room techniques. A logical extension would be to give the student free access to a complete
Law library, as would be the case in practice when he is asked to advise on a legal problem, or to follow the practice of some American Law Schools and allow him to bring prepared material into the examination room. Provision of statutes would raise difficult administrative problems and largely for this reason the associations are reluctant to depart from the present well-tried technique which they feel is sufficiently practical for their purposes for the reasons outlined above. Some further hard thinking is required regarding its possible adoption. Perhaps its greatest usefulness would lie with more advanced students and with more complicated statutes.

The associations were unanimous in stating that in their Law examinations they are primarily looking for a sound grasp of basic legal principles, particularly at the Intermediate stage. They expect the intelligent application of such principles to the questions posed in exactly the same way as this would be done in practice where a variety of problems arise, each similar but each differing.
A certain knowledge of detail is expected but this should ordinarily be acquired during periods of study and should not be offered as a substitute for mastery of general principles. Detail may not be obligatory but used intelligently can so improve the quality of an answer that considerable benefit is thereby gained. In general however, such advantage tends to be marginal. It is, of course, difficult, particularly in a study of statute law, to separate principles from detail and the amount of detail will vary from one paper to another. Thus general principles will be more important in an Intermediate General Principles of Law paper than in a Final Company Law paper.

A similar problem which frequently perplexes students is the extent to which they will be expected to support their propositions by citation of authority, by reference to statute or decided case, particularly the latter. There were mixed views upon this. Some associations expected citation of authority, especially at the Final stage, in view of the importance of this later in practice.
Other associations did not lay much stress upon this provided that the candidate showed an understanding of the principle and the ability to apply it. One association makes a definite statement in its regulations that candidates will not necessarily be expected to quote cases as authority for their answers but obviously a candidate who quoted cases intelligently would secure better marks than one who did not. Where some citation of authority was expected there was general agreement that a candidate would not be heavily penalised for mis-quoting a date, misspelling the name of a party or even failing to state the name of a case provided that it was clearly shown that he can demonstrate his ability to identify the authority, explain it by correctly stating the ratio decidendi, and relate it by reasoning to the question set.

There are however, certain celebrated and widely known cases upon which an important principle of law rests. Such cases should be known and should be quoted accurately if the question is based upon it. A distinction
must therefore be drawn between a question which can only be answered by reference to a decided case and one which can be improved by citation. The penalty for omission will be much heavier with the former.

Occasionally a candidate attempts to bluff an examiner with the names of cases which never existed except in the examinee’s imagination. This is of course very heavily penalised.

Most of the points already made in this section about the Law examination papers of professional associations apply equally to those of the regional examining unions. A survey of their recent examination papers does not reveal any strong grounds for criticism. Provided that the syllabus is accepted, the question papers for the most part cover the syllabus fairly and a wide choice is usually given. In many cases six questions are to be attempted out of twelve in three hours. Perhaps some of the papers could have included more ‘problem’ questions but this is not easy with a paper in General
Principles of Law at this level and many of the papers in this subject do include several problems. Is this reasonably satisfactory state of affairs the result of employing experienced teachers as examiners?

Few of the associations would admit that they received many complaints or criticisms of their examination papers. Some complaints are received from disgruntled students and a few from Colleges, frequently on the grounds that certain questions are unfair as failing to be covered precisely by the printed syllabus. One body stated that such complaints are often not unconnected with the well-known tendency of 'spotting' questions when the limited lecture time available has led to a failure to cover the syllabus. Law is frequently thought to be a subject which lends itself to this practice. Another body stated that very few complaints came from college students where the standard of tuition was generally high but more from correspondence course students as a result of inadequate coverage of subject matter because of an attempt to give a 'potted' version. A
third statement was made to the effect that the usual dispute was a difference of interpretation arising out of the intention of the examiners, who are university lecturers, to test for general comprehension and 'grasp' of a given aspect, whilst college lecturers have looked for more specific or narrower questions which could be answered in depth. This is a debatable point upon which it is difficult to generalise.

Most associations have the machinery to investigate such complaints, the usual procedure being reference to the examiner in the first place and later, if necessary, to the Examinations Committee. An exchange of views will usually settle the matter though occasionally special meetings between the interested parties are held. I believe that most bodies fully investigate such complaints and, where appropriate, are sincere in their desire to take remedial steps to obviate them in the future.

Similarly, very few complaints regarding their Law examinations are received by the regional examining
unions although this does not necessarily mean that college lecturers are completely satisfied with them. The unions said that they welcomed and carefully considered any complaints or constructive criticism.
Associations were asked and Examiners' Reports were examined in order to ascertain if there were any particular difficulties or weaknesses on the part of candidates which recurred frequently. Many associations stated that there were no recurring weaknesses compared for instance with Accounts or that the weaknesses were not of the type peculiar to legal subjects. Such things as limited power of expression, inadequate preparation, inability to read questions, lack of precision in defining terms, irrelevance, incorrect spelling and failure to state conclusions, or, having done so, failure to support them with rational and constructive data apply equally to examination papers other than those in Law.

A major weakness appeared to be the obvious lack of appreciation of fundamental legal principles and two bodies said that this was particularly evident in the case of Contract. Such principles are often imperfectly acquired either from poor preparation, or from relying
wholly upon correspondence courses where a loose meaning is often accepted, or when absorption has been by rote and not by understanding. The student suffers from lack of oral illustration by an instructor to clear up doubts. Occasionally poor instruction is the cause, which is noticed when several examinees from one centre commit the same error. This weakness regarding basic legal principles was given by one association as the reason why it tended to set repetitive questions, with slightly different wording, and avoided problems in an attempt to encourage an absorption and clear understanding of these principles. Two associations hoped that this problem will be remedied with the introduction in the near future of a paper in General Principles of Law at Intermediate level.

Even when candidates have successfully memorised the principles a further difficulty arises in their application. This is a complaint by most examiners most years. The study of case law is generally weak and the problem questions accordingly reveal the main
difficulties experienced by candidates. Some improvement in this respect is however being noticed though there is still a tendency to offer textbook sections as reasoned answers.

Examiners' Reports are issued by all the associations and circulated to all interested parties such as Colleges and unsuccessful students. Extracts are frequently published in the Journals. These reports vary considerably in value and far too many are full of useless phrases as 'This question was fairly well done'. Some are very useful, particularly where they point out errors indicative of inaccurate or superficial teaching or refer to the use of out of date textbooks. Another complaint is that students tend to study textbooks exclusively for examination purposes and have insufficient regard for current cases and legislation. Quotation of 'howlers' perpetrated by candidates makes amusing reading but at the same time provides food for thought.

Examiners' Reports issued by the regional examining
unions during the last few years were also examined in a further attempt to discover the difficulties of candidates and their common failings. There were similar complaints regarding such matters as insufficient preparation, lack of examination technique, inability of candidates to express themselves clearly and concisely, carelessness and poor English which are again not peculiar to this subject.

On matters more applicable to Law examinations one very common fault was the lack of knowledge or unintelligent memorisation of basic legal principles. This, together with the failure to explain and illustrate (and often to spell correctly) elementary legal terms or concepts such as 'voidable contracts' and 'incorporation' suggests poor instruction in many cases. Many candidates had apparently acquired a confused mass of detail instead of trying to learn and understand leading principles.

Too many answers contained no reference whatsoever to precedent or statute, the propositions being put
forward without any citation of authority. These answers could have been written by candidates without any legal training or instruction. Acquaintance with rules of Law is naturally expected in a Law paper and many candidates failed to realise that the examination provides an opportunity for them to display their knowledge of Law. More written practice during the course would help in this respect.

There was evidence of out of date knowledge, probably caused by reliance upon old textbooks by students or lecturers. Thus in a 1959 paper set by the N.C.T.E.C. several candidates said that the Court's consent was required for the alteration of a company's objects and yet this has not been necessary since the Companies Act, 1948. Similarly, an R.S.A question in 1961 upon contracts made by corporate bodies obviously calls for a knowledge of the Corporate Bodies (Contracts) Act, 1960. Few candidates mentioned this statute and some were not even aware of the privileges long enjoyed by registered companies with regard to the form of their contracts prior
to the statute.

At an advanced level candidates should not only be able to state the relevant legal provisions but should also show an understanding of the logic underlying these provisions and their practical applications. The Company Law (Stage III) examiner of the R.S.A. has been particularly critical on this point.

Many of the candidates who appear to have a reasonable knowledge of their subject answer some of the questions well and then spoil their work by sketchy, incomplete or non-existent answers to the other questions. One examiner described this as 'lack of stamina'. The fault here may be ascribed to poor examination technique but it could also be attributed to the width of many syllabuses. The width of the syllabus in relation to the time available to cover it often means that many results are adequate but few are very good.

Students frequently appear to be well-drilled in a
small range of stock questions but are ill at ease with anything a little out of the ordinary. This reliance upon memory rather than understanding also points to poor instruction. Too many students appear to rely upon memorizing notes, inaccurately taken down from dictation.

Greater practice and guidance during the course in answering 'problem' questions would be time well spent since almost every examiner has been critical in this respect. There is a tendency for a candidate to rush into the problems and become very involved with the facts, forgetting that the object of the problem is to test the ability of candidates to apply the legal principles they have learned.

A more systematic approach is required and a suggested plan is (i) to state the facts upon which the decision turns, i.e. what the point at issue is, (ii) state the relevant law, and (iii) apply the Law to the facts and decide. This ensures that no essential features are overlooked.
Students should also be warned that in examination papers space for the posing of the problem is limited and all unnecessary facts have probably been eliminated. This is in sharp contrast to what happens in practice where the essential facts are frequently hidden amidst a mass of trivia. Thus a mention of a person's age should suggest perhaps infancy and detail regarding dates perhaps the question of limitations. Again oral and written practice during the course can improve the students' ability in this respect.

Finally, at an elementary level where General Principles of Law are being covered the topics apparently giving most difficulty are property and tort, particularly the former. Whether these topics should be included at this stage is dealt with elsewhere. Another common mistake at this level is a preoccupation with criminal law which is introduced on every possible occasion, sometimes to the complete exclusion of Civil Law. On occasions however a question is set upon the criminal courts and the civil courts are described in great detail.
(d) **Law Prizes**

Most of the professional associations award prizes to candidates securing the best results in their examinations. In the award of these prizes for overall performance Law plays just as important a part as the other subjects. In addition, eighteen associations award subject prizes but here legal subjects tend to be overlooked, for only seven of these award Law prizes. The value of these prizes varies from two guineas to £30.

Prizes or medals are not awarded by any of the regional examining unions for outstanding performance in their Law examinations. The L.C.C. awards annual prizes varying in amount up to five guineas for all their Law papers and silver and bronze medals for competition in the Higher Group Diploma in Law. The R.S.A. awards medals on the same conditions as for other subjects but largely because of the relatively small numbers taking the Law papers there were only five bronze medals awarded.
(four for General Principles and one for Commercial Law) during the three years 1959–61. It is interesting to note that three of these medals were gained by girls.
(e) **Views of Lecturers**

This chapter has so far largely looked at examinations from the standpoint of the examining body. This final section will be concerned therefore with the views of lecturers upon these examinations.

Most lecturers would prefer more questions requiring a knowledge of general legal principles rather than of obscure details or exceptional rules of law. Far too often the syllabus states that the examination requires a knowledge of the subject in broad outline only but the type of question then appearing is one that can only be answered satisfactorily by knowledge of say a footnote in Stevens. With the extensive coverage of most syllabuses which makes it impossible for a lecturer to deal adequately with all the topics in the time available it is surely not necessary to include questions on unimportant and relatively obsolete topics such as the Judicial Committee of the Privy Council. Even the A.E.B. Advanced level papers, which are otherwise highly commended,
received some criticism on this score, particularly the General Principles paper.

The examination paper should be designed to find out how much a student knows and not to see how many candidates have omitted to study relatively unimportant details. That this is not always done was believed by several lecturers to be due to the practice of some examining bodies in appointing legal practitioners as examiners.

Some papers do not range representatively over the whole syllabus but tend to concentrate upon one or more aspects of it and leave much of the syllabus unexamined. Thus the I.C.A. Final paper tends to be rather gloomily pre-occupied with bankruptcy and the C.I.S. Intermediate paper is heavily biased towards contract and property. Some papers follow a pattern too obviously so that astute students can study old examination papers rather than the subject itself or merely concentrate upon a few topics. The latter is at present possible with D.M.A. and I.C.W.A. papers and could be discouraged by dividing the paper.
into sections and requiring answers from each section. Occasionally questions are asked from outside the syllabus. Such 'off-beat' questions as those asking for the formalities necessary for a Jewish and a Quaker wedding are to be condemned.

There is still a tendency to stick to the old and unenterprising type of question which involves purely book-learning and the regurgitation of crammed material. Such questions are those asking for the essential elements of a valid contract and the hours of work of women and young persons permitted by the Factories Acts. These require answers which are 'cut and dried' and leave little room for a liberal approach to the subject. Some bodies are very slow to introduce the 'problem' type of question which calls for an ability to understand and apply principles rather than memorise facts. This is a general complaint made against nearly all professional bodies with the possible exception of the Institute of Bankers.

Even where problems are set they frequently turn
upon one small point and if this point is not known the candidate fails to provide very useful material for assessment. The Institute of Bankers often set problems requiring a very specialised knowledge to a degree not justified by the time available for study and in addition they tend to invent obscure problem situations. One well-known professional body sets its questions and problems for its Final Commercial Law paper slavishly from a certain textbook.

There is a general plea for more problems, particularly at Final level and for the relegation of descriptive law and definitions to the Intermediate stage. Such problems should be more topical and practical and less abstract and academic, reflecting the type of problem the 'non-legal examinee' is likely to encounter.

Two lecturers suggested that in view of the width of most syllabuses there should be more, and shorter, questions so that each topic could be covered. It was thought that an Intermediate paper containing twenty
questions would test breadth rather than depth of knowledge. However, the majority view favoured a reduction in the number of questions and were of the opinion that six questions in three hours are quite enough to test the legal knowledge of the average business student.

Compulsory questions were not favoured and greater choice was desirable in many cases. To ask for eight answers from ten questions as the C.I.S. do puts too much of a premium on luck and leads to short superficial answers. It requires too much luck and too little intelligence, and tends to favour the fast writer and the wily 'mark-getter' at the expense of the more thoughtful student. However widely a student may study and read he may still be faced with the necessity of answering questions on subjects he has not covered. In view of the many difficult questions and the apparently high standard expected it was thought that the pass mark of many examining bodies must be low.

More attention could also be directed at the wording
of questions, some of which are put either too technically or in such a way as to indicate the answer. The papers could be made less academic and more practical by allowing the use of statutes in the examination room where relevant, for example with the Final Company Law papers of the C.I.S. and the C.C.S. One section of the paper could contain a choice of questions requiring answers admitting of discussion or argument.

It is interesting to note that not one suggestion was made for the introduction of the short answer type of test so popular in America. Such tests include true or false statements, multiple choice propositions, unfinished statements, and questions requiring yes/no answers. Although these tests impose less burden upon students and staff, give greater precision in marking and perhaps have a place for the testing of progress during the course there appears to be little if no support for the introduction of these for examination purposes.

In conclusion it should be remembered that the above
criticism came only from a section of the law lecturers. Many were generally satisfied with examination papers as they stand at present. In view of the many lecturers who were not satisfied though, it is suggested that many examining bodies could review their examination arrangements and techniques with advantage.
CHAPTER 14
FULL-TIME LAW LECTURERS

(a) **Analysis of Numbers, Qualifications and Duties**

It is always a problem for anyone but a specialist to teach Law and it can be argued that the competent Law lecturer should have a Law degree, a professional legal qualification and, if possible, practical legal experience, besides a teaching certificate and teaching experience. This, of course, is the ideal and is rarely the case.

There is a tendency in many colleges, particularly the smaller colleges, to put students in the hands of a teacher of Law with insufficient background of legal education. This tends to make students lose confidence. Such lecturers seem to have the non-specialist's fear of being caught out by his students and in consequence they tend to lecture excessively and to adhere rigidly to the syllabus, discouraging any discussion which might
wander a little and yet which at the same time might act as a stimulus to the students. Cases have even been mentioned to me of Law being taught by lecturers studying for the same examinations as their students. If the specialist lecturers in Accountancy and Economics are regarded as essential why is this not always the case with Law?

Table 15 shows that there are 406 full-time lecturers engaged in the teaching of legal subjects. This represents just under 2% of full-time lecturers employed in establishments of further education. Included in this total are both the specialists whose entire teaching timetables are devoted to Law and the lecturers in general commercial subjects who teach perhaps only one or two hours of Law each week.

1. On the 31st March, 1962, there were 24,638 full-time teachers in grant-aided establishments for Further Education. (Statistics of Education, 1962, Part 1, Table 45, p. 90.)

2. This proportion bears a close relationship to the proportion of students studying Law (Supra, p. 62).
As expected, the larger the college the greater is the degree of specialisation and in the group with 50 or more class hours each week it would seem that almost all the full-time lecturers in Law spend very little time on other subjects. Too many other colleges, however, appear to spread the Law teaching over a number of lecturers when the employment of one would be preferable. In one instance, eleven weekly hours are divided amongst four lecturers. This suggests that in many cases the subject is used to fill up timetables.

Colleges with between 20 and 50 hours of Law each week should surely employ specialist lecturers and yet less than twelve hours of Law is the average for each lecturer involved. In colleges with between 10 and 20 hours weekly one would expect a weekly average of about 15 hours and yet the actual figure is only one third of this amount. Even if a college has staffing difficulties and cannot obtain a legally qualified lecturer it is surely preferable to concentrate all the Law teaching in the hands of one person. The ratio of lecturers per
<table>
<thead>
<tr>
<th>SIZE OF COLLEGE (By Weekly Class Hours of Law)</th>
<th>Under 5</th>
<th>5-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-49</th>
<th>50 and over</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Colleges</td>
<td>82</td>
<td>56</td>
<td>54</td>
<td>30</td>
<td>27</td>
<td>26</td>
<td>275</td>
</tr>
<tr>
<td>No. of Full-Time Law Lecturers</td>
<td>65</td>
<td>60</td>
<td>81</td>
<td>48</td>
<td>54</td>
<td>98</td>
<td>406</td>
</tr>
<tr>
<td>Ratio of Lecturers per College:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If every College in group included</td>
<td>0.8</td>
<td>1.1</td>
<td>1.5</td>
<td>1.6</td>
<td>2.0</td>
<td>3.8</td>
<td>1.5</td>
</tr>
<tr>
<td>If Colleges with no F.T. Lecturers excluded</td>
<td>1.1</td>
<td>1.2</td>
<td>1.6</td>
<td>1.6</td>
<td>2.0</td>
<td>3.8</td>
<td>1.7</td>
</tr>
<tr>
<td>Average Weekly Hours of Law per Lecturer</td>
<td>2.1</td>
<td>4.0</td>
<td>5.9</td>
<td>11.9</td>
<td>11.5</td>
<td>16.4</td>
<td>8.6</td>
</tr>
</tbody>
</table>
college shows that even in the larger colleges this is rarely done.

It was not possible to obtain the qualifications of all of the 406 lecturers but Table 16 shows the extent to which 298 of these were qualified in their subject. These constituted a fairly representative and more than adequate sample; in fact it is believed that, since less information was obtained from lecturers in smaller colleges, the proportion of lecturers with legal qualifications is smaller than Table 16 suggests. For this purpose legal qualification is taken to mean the possession of a Law degree or the professional status of barrister or solicitor.

It will be seen from Table 16 that only 119 or just under 40% of these full-time lecturers teaching Law possess a legal qualification though such lecturers are responsible for just over 60% of the hours taken by full-time lecturers. If all the class hours of Law are included, only 36% are taken by full-time lecturers with
<table>
<thead>
<tr>
<th>Lecturers whose qualifications known:</th>
<th>SIZE OF COLLEGE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(By Weekly Class</td>
<td>Hours of Law)</td>
</tr>
<tr>
<td></td>
<td>Under 5</td>
<td>5 - 9</td>
</tr>
<tr>
<td>Numbers</td>
<td>30</td>
<td>44</td>
</tr>
<tr>
<td>Hours Taught</td>
<td>77</td>
<td>185</td>
</tr>
<tr>
<td>Average Hours per Lecturer</td>
<td>2.6</td>
<td>4.2</td>
</tr>
<tr>
<td>Lecturers with legal qualifications:</td>
<td>Numbers</td>
<td>9</td>
</tr>
<tr>
<td>Hours taught</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Average Hours per Lecturer</td>
<td>2.7</td>
<td>4.8</td>
</tr>
<tr>
<td>Lecturers without legal qualifications:</td>
<td>Numbers</td>
<td>21</td>
</tr>
<tr>
<td>Hours taught</td>
<td>53</td>
<td>161</td>
</tr>
<tr>
<td>Average Hours per Lecturer</td>
<td>2.5</td>
<td>4.1</td>
</tr>
<tr>
<td>Percentage of Lecturers with legal qualifications</td>
<td>30.0</td>
<td>11.4</td>
</tr>
<tr>
<td>Percentage of Hours taught by such Lecturers</td>
<td>31.1</td>
<td>13.0</td>
</tr>
</tbody>
</table>
legal qualifications. As expected the larger the college,
the larger the proportion of lecturers with legal quali­
fications and the larger the share of work taken by these
persons. Even in the larger colleges however, a compara­
tively high proportion of the work is still in the hands
of lecturers without legal qualifications.

Table 17 presents this position in a different form.
Of 197 colleges only 68 or 34.6% had on the staff a
lecturer with legal qualifications. The larger the
colleges the more likelihood there is that at least one
person with legal qualifications will be lecturing.

The qualifications of the 119 lecturers who were
legally qualified were as follows:

<table>
<thead>
<tr>
<th>Qualification</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Degree</td>
<td>60</td>
</tr>
<tr>
<td>Law Degree and Barrister</td>
<td>35</td>
</tr>
<tr>
<td>Law Degree and Solicitor</td>
<td>9</td>
</tr>
<tr>
<td>Barrister</td>
<td>12</td>
</tr>
<tr>
<td>Solicitor</td>
<td>3</td>
</tr>
</tbody>
</table>

20 of the lecturers with Law Degrees possessed Higher
| No. of Colleges where staff qualifications known | 47  | 44  | 41  | 21  | 20  | 24  | 197 |
| No. of Colleges with legally qualified lecturers | 8   | 5   | 11  | 10  | 14  | 20  | 68  |
| No. of Colleges without legally qualified lecturers | 39  | 39  | 30  | 11  | 6   | 4   | 129 |
| Percentage of Colleges with legally qualified lecturers | 17.0 | 11.4 | 24.4 | 47.7 | 70.0 | 83.4 | 34.6 |
304

Degrees. It is interesting to note that there were only 12 Solicitors compared with 47 Barristers and seven of these Solicitors were teaching in London.

Of the lecturers without legal qualifications three reported that they were reading for the Bar and thirteen for the LL.B. It is suspected that more were in actual fact attempting to obtain a legal qualification and this poses the question whether such people could be given any assistance and the form this assistance could take. Likewise it is suspected that more were reading for a Higher Degree in Law than the one case that the survey revealed and this raises the further question of whether assistance with research and Higher Degree work could also be given.

Only 14 of 306 full-time lecturers whose sex was known were women and of these, eight possessed a legal qualification. Eight of these women lecturers were teaching in the London area, four at one college. In view of the suspicious attitude towards women which
still exists in the legal profession it is perhaps surprising that more women with legal qualifications have not become Law lecturers. Less than 5% of Law lecturers are women and yet in further education as a whole the proportion is 14%. It would appear that there are more opportunities in this field for women than is generally realised.

The grading of the lecturers who replied to Questionnaire B was as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Department</td>
<td>23</td>
</tr>
<tr>
<td>Principal Lecturer</td>
<td>2</td>
</tr>
<tr>
<td>Senior Lecturer</td>
<td>8</td>
</tr>
<tr>
<td>Lecturer</td>
<td>46</td>
</tr>
<tr>
<td>Assistant 'B'</td>
<td>56</td>
</tr>
<tr>
<td>Assistant 'A'</td>
<td>3</td>
</tr>
</tbody>
</table>

This appears to be a reasonable distribution in view of the standard of the work. In comparison with further

3 Out of 24,638 full-time teachers in grant-aided establishments for Further Education on the 31st March, 1962, 3,419 were women.

(Statistics of Education, 1962, Part 1, Table 43, p.90.)
education as a whole the proportion of lecturers is high and the proportion of Assistant Lecturers, Grade A, low. The number of senior lecturers is also a little on the low side. Grading appears to be better in London and the South of England for eight of the ten principal and senior lecturers were to be found in the 37 replies from this region.

The number of Heads of Department teaching Law is perhaps a little high. I know of a further eleven who also do so and of these 34, only eleven or less than 30% possess legal qualifications. Questionnaire A, however, revealed that 40% of all full-time lecturers in Law possessed legal qualifications. This also supports the view that Law is frequently regarded as a 'marginal' subject and used to fill up timetables so that where part-time lecturers cannot be found and none of the other full-time members of staff can be induced to teach the subject, the Head of Department often, of necessity,

\[4\] Ibid, Part 1, Table 43, p.90.
\[5\] Supra p. 301.
takes the class himself.

The teaching burden placed upon these lecturers is a considerable one. Excluding Heads of Department there were 75 out of 115 teaching for 20 or more hours each week and 29 of these were teaching for 24 or more hours up to a total, in one case, of 30 hours. Bearing in mind also additional administrative duties and the fact that many had to deal with several subjects, it will be seen that Law is certainly no exception to the rule that most lecturers in Colleges of Further Education have excessively heavy timetables.\(^6\) This is an important factor to be constantly borne in mind throughout this report.

The proportion of lecturers possessing legal qualifications and the fact that many of these lecturers are expected to deal with subjects other than Law has already

\(^6\)For a comparison of teaching hours in various institutions in Further Education see Report of the Committee on Higher Education, (1963), Appendix 3, pp. 121-124.
been analysed and discussed above. The qualifications of the non-specialists varied, consisting in many cases of Commerce or Economics degrees or professional qualifications in which they had sat for one or more Law papers.

Practical experience is more difficult to analyse but many of the lecturers had a valuable background which must prove most useful in their work. This included experience in the legal departments of central and local government, banks, public utilities and private business. One lecturer had been a District Magistrate in India, another a Detective Inspector and a third is a Justice of the Peace. Several had had professional experience as a barrister or solicitor but not nearly as many as one might expect. This suggests that the rewards of teaching, financial and otherwise, are not usually sufficient to attract the practising barrister or solicitor. In general, so far as teaching and business experience and qualifications other than in Law are concerned, there does not appear to be any marked difference between
lecturers in Law and lecturers in other subjects. The number who have passed through a teacher training course, however, appears to be small and to be lower than the average for Further Education generally. 7

The lecturers were asked which branches of Law they taught or were particularly interested in and the replies may be summarised as follows:

<table>
<thead>
<tr>
<th>Subject</th>
<th>No. of Lecturers</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Principles of Law</td>
<td>94</td>
</tr>
<tr>
<td>Mercantile Law</td>
<td>77</td>
</tr>
<tr>
<td>Company Law</td>
<td>34</td>
</tr>
<tr>
<td>Industrial Law</td>
<td>33</td>
</tr>
<tr>
<td>Contract</td>
<td>21</td>
</tr>
<tr>
<td>Constitutional and Administrative Law</td>
<td>17</td>
</tr>
<tr>
<td>Tort</td>
<td>17</td>
</tr>
<tr>
<td>Banking</td>
<td>13</td>
</tr>
<tr>
<td>Property</td>
<td>8</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>8</td>
</tr>
</tbody>
</table>

7Of 24,638 teachers in grant-aided establishments for Further Education on the 31st March, 1962, 7,569 or 31% had undergone a course of teacher training.
(Statistics of Education, 1962, Part 1, Table 43, p.69.)
Other branches mentioned included Roman Law, Taxation, Succession, Jurisprudence, Divorce, Transport and Mining. This gives further indication of the extent and emphasis of legal studies in Further Education.
(b) Appointment of Full-Time Lecturers in Legal Subjects

Colleges were asked if they experienced much difficulty in making full-time appointments of lecturers to teach legal subjects. This question is however, not an easy one to answer. In the first place such appointments only occur infrequently and only those colleges which have advertised in the recent past have up-to-date experience of the 'market'. In the second place, opinions upon who would be a suitable Law lecturer differ widely and different colleges look for different types of person. Some stress ability as teacher, some academic qualifications and others practical experience in either business or the Law. The larger college tends to look for the specialist with Law as his only subject, or even some particular branch of Law, whilst the smaller college is more concerned with an ability to teach other subjects in addition to Law. The ideal person with good legal qualification, teacher training, teaching and practical experience and qualified to teach other subjects if necessary, is not easy to find, particularly at the
grades at which many of the appointments are advertised.

Advertisements often leave much to be desired. A large college of commerce recently advertised for an Assistant Lecturer to teach Law and one or two other commercial subjects.' It is difficult to see who would be attracted by such a vague advertisement. Surely there was or there was not a vacancy at the college for a specialist Law lecturer and any question of possible subsidiary subjects could have been left until the applications were being considered or even until the interviews for the post. If the applicant best fitted to teach Law could offer no other subjects only marginal timetable adjustments to cover these other subjects would be necessary in view of the existing large staff.

The experience of another large college recently, is that for the most part applicants for posts do not come up to the standard that might be expected for the type of post and salary offered. Applicants for Assistant Lectureships were for the most part graduates straight
from University with no teacher training and little or no teaching or professional experience. For Lectureships the position was not much better which is understandable if there is a scarcity of good Assistant Lecturers seeking promotion.

Of the 130 colleges replying to this question, 30 or 23.1% said that they had little difficulty in making appointments. This is a surprisingly low percentage and must be treated with care in view of the remarks in the previous paragraph and the large proportion of the work in the hands of lecturers without legal qualifications and part-time lecturers to which attention has been drawn earlier in this section. It is completely contradictory to the views expressed by a considerable number of colleges that Law teaching, in general, is poor and if it is not difficult to obtain full-time lecturers it is hard to see why there is such a great reliance upon part-time lecturers.

There may well be a certain amount of complacency
on the part of the colleges provided that all the Law lectures on the timetable are covered by someone. It is often not realised that the appointment of a full-time specialist is justified. Fairly recently I asked the Head of a Commerce Department why there was nobody on his staff with legal qualification and received the reply that there was insufficient work to keep such a person occupied. During the course of the ensuing conversation we added up the number of hours devoted to legal studies and found that there was more sufficient in the day alone to justify such an appointment.

If a conclusion can be drawn from Table 18 it is that the difficulty in making appointments tends to diminish as the size of the college increases. (Here, as throughout this survey, we are measuring size by the number of hours of legal subjects). One in three of the colleges teaching up to 20 hours of Law each week report difficulty but of colleges teaching over 20 hours weekly this proportion falls to one in four. The larger colleges can offer a more specialised timetable and can therefore
<table>
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<th>Size of College</th>
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<th>20-29</th>
<th>30-49</th>
<th>50 and over</th>
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<td>24.2</td>
<td>6.8</td>
<td>22.8</td>
<td>25.1</td>
</tr>
</tbody>
</table>

Table 18: Full-time Law Lecturers: Difficulties in Appointment
attract the Law specialists. This tendency would no doubt be more pronounced but for the fact that the larger colleges tend to offer posts at higher grades and, looking for specialisation within the subject, are more particular in their appointments.
(c) Supply and Training

The shortage of full-time law lecturers must inevitably lead to a consideration of where such lecturers come from and why they enter the teaching profession. Is it possible to stimulate the supply in order to overcome this shortage?

Unfortunately there is no accepted or regular method of entry and lecturers taking up a first appointment came from a wide variety of posts in business, administration or elsewhere. Some of this previous experience has been discussed earlier in this chapter.\(^8\) Many of the appointments appear to be largely a matter of chance and will remain so until the possibility of an interesting career in this field becomes more readily accepted and more widely known. Only then is a steady stream of applicants for posts as Law lecturers likely to appear.

\(^8\) *Infra* pp. 308-9.
in order to make good wastage and provide additional lecturers that are needed now and will be needed even more so in the future.

One possible source of supply lies in the increasing numbers of law graduates coming from the universities. If the number becoming legal practitioners remains fairly constant, as appears to be the case, where are the additional graduates going to, even allowing for the fact that some of them are students from overseas?

In actual fact, only a minority of law graduates enter practice and many of these leave after a comparatively short time. Information on this matter is not easy to obtain but Professor Hamson suggests that about sixty per cent of his Cambridge law students intend to practise. Of those intending to practise at the Bar, only about ten per cent would be doing so ten years after graduation and there would be a similar, though not quite as large, departure from practice as a solicitor.

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9G.J. Hamson; loc. cit., p.6.
Where do the missing nine out of ten non-practising law graduates go to? According to the evidence submitted by the Society of Public Teachers of Law to National Incomes Commission in October, 1963, many are attracted into industry and commerce. Could some of them be attracted into a lecturing post in a College of Further Education?

It would appear that very few lecturers in legal subjects are coming from the University Departments of Education or from the Technical Teacher Training Colleges. Since 1945 seven law graduates have passed through the Department at Leeds University and although the whereabouts of these are not known none taught Law during their teaching practice and it is doubtful if any are teaching Law today. Three law graduates have been teacher-trained at Leicester University during the same period and there is no reason to doubt that the position at other universities is not the same.

If we assume that the universities are more concerned
with training graduates for secondary education it might be expected that the teacher training would be done by the three Technical Teacher Training Colleges. This is not the case. One college has trained only three such lecturers in the past ten years and the other two colleges have trained one each on the last few courses. From the information received from these colleges only 5 students out of 379 commercial students or less than 2% have had a legal qualification and have offered Law as a main subject. Several others without legal qualifications have offered Law as a subsidiary subject. For every Law lecturer, the colleges have trained some sixteen to eighteen lecturers in Accountancy and in Economics.

The reason for these small numbers lies in the fact that so few potential Law lecturers present themselves for teacher training. One college suggested that this is because solicitors can usually earn more in practice and that barristers prefer part-time teaching which is readily available and which allows them to send substitutes when briefs are offered. All colleges said they
would welcome applications and there is no record of any applicant with a legal qualification being turned down. It is true that the ability to offer other subjects in addition to Law would be welcomed in order to assist placement but most candidates would have no great difficulty in this respect.

All colleges are able to offer their students a short course in the special methods involved in the teaching of Law but this is at present largely confined to those for whom Law is a subsidiary subject. There has apparently been no difficulty in arranging teaching practice and little difficulty in placement. The latter may depend upon the ability to offer other subjects and upon a willingness to take a post in any part of the country and not a specific locality. Rather surprisingly, one of the few lawyers trained by the colleges is now teaching in a secondary school.

The Training Colleges were most emphatic upon the need to train more teachers of legal subjects. Law was thought to be one of the worst taught subjects in Further
Education and it was felt that the Law teacher required teacher training more than the teacher of most other subjects. It was suggested that the precise discipline and memorisation involved in learning Law seemed to activate against easy communication. The general tendency was often to lecture, perhaps involuntarily, to reproduce the textbook and to flounder in any attempt at analysis.

The need for more lecturers with legal qualifications and the encouragement of such lecturers to take a course of teacher training is beyond dispute. How this need can be fulfilled is the difficult problem and there appears to be no easy solution. Rates of remuneration and possibilities for promotion compare quite favourably with other posts, even in universities, but perhaps these could be given greater publicity. Excessive specialisation by law graduates may make them unattractive to Principals of all but the largest colleges. The inclusion of other subjects in a law degree - such as Economics, suggested by Professor Wheatcroft, Professor of Law at London University, as a substitute for Roman Law, in his inaugural
lecture at the London School of Economics on the 1st March, 1962 - would give the lecturer a subsidiary subject to assist him in obtaining appointments. Similarly, every encouragement should be given to lecturers in other subjects to obtain a qualification that will fit them for the teaching of Law as a subsidiary subject.
(d) Keeping up to date

Keeping up to date with one's subject is not a problem peculiar to the Law lecturer but it is perhaps more important in Law than in many other subjects in view of the vast amount of legislation, delegated legislation and case law arising each year. To keep abreast of such developments requires one's whole attention and this becomes extremely difficult if not impossible when the lecturer has a wide and heavy teaching load and is burdened with the teaching of other subjects as well. Administrative duties and the lack of time for, or impossibility of discussion with professional colleagues add to the difficulties.

(1) Changes in the Law

74 lecturers out of 132 or 56% said that they experienced some difficulty in keeping up to date with changes in the law, especially case law. The reason does not lie mainly in the fact that the information is not readily available - it usually is - but in the lack
of time to study it, to assimilate the changes into one's existing body of knowledge and to bring one's own records up to date, where necessary, by taking appropriate notes, filings, cuttings, etc.

Those who said that they usually did manage to keep up to date admitted that it involved hard work and considerable reading. In some cases the lecturer just concentrated upon those aspects relevant to his teaching. Another important factor is the question of cost if the library does not provide the necessary publications. If the books in the library tend to be out of date the young lecturer is particularly handicapped.

Changes can easily be missed unless the legal journals are carefully read. Newspaper reports are useful but cannot always be relied upon. Professional journals such as *The Accountant* and *The Chartered Secretary* are valuable insofar as they draw attention to the more important changes, especially in case law, but were thought to be not sufficiently comprehensive.
Reading of legal periodicals was considered to be essential and it would appear that the comprehensive and concise Law Notes is the favourite and inexpensive means of keeping abreast of new developments. Other lecturers are still looking for some suitable periodical or method by which the flood of new material and changes are summarised so that all the information is available in one place. Could an Association of Law Lecturers help here by such periodic summaries?

(ii) New Publications

59 out of 119 lecturers or almost 50% said that they experienced some difficulty in keeping up to date with new publications. Problems of time and expense, especially the former, were again put forward as reasons for this difficulty. The problem is tending to get worse as the spate of legal literature increases year by year and it is difficult to assimilate even a portion of it. It requires a conscious effort to review the principal textbooks annually and decide which is to be used for each class.
Several lecturers said that they read about the new publications in reviews but that reading the actual books was another matter and rarely possible. In a few cases publishers were criticised for not always notifying the college of publications (or if they do, for not notifying the persons concerned with the subject). Publishers in general do all they can to advertise their new editions and the fault here lies with the Colleges. Similarly, publishers are very generous with specimen copies of new books but too often these are looked upon as additions to the private library of the Principal or Head of Department and remain unused in his book-case.

(iii) Changes in Syllabuses and Examination Requirements

Only 12 lecturers out of 114, or 11% appear to experience any difficulty in this respect. An occasional change may slip by, often to be corrected by students who usually have the latest syllabuses and prospectuses and tend to be watchful in this respect at least. Occasionally an examining body is a little lax but for the most part there is no criticism of such bodies who
usually give sufficient notice well in advance of any changes. Nevertheless this is another matter that requires time and attention.
(e) Association of Law Lecturers

Lecturers were asked if they felt there was a need for and, if so, whether they would be interested in the formation of an association of lecturers in legal subjects in Colleges of Further Education. Such associations exist for lecturers in many other subjects.

Considerable difficulties would face such an association particularly the following:

(i) The number of possible members is small and the colleges are relatively few and far between. The field is perhaps too specialised for an association in comparison, for example, with the Economics Association which draws many members from Secondary schools.

(ii) Many lecturers in Law are only concerned with it as a 'secondary' subject and much of the work is done by part-time teachers. It is doubtful if much support would be forthcoming from either of these two groups of people.

(iii) Time and cost would preclude or limit meetings on a
worthwhile scale.

(iv) There is the danger that it would become another poorly supported association to keep in touch with when the time of lecturers is fully occupied. There are many examples of such associations.

As an alternative is there already in existence a professional body through the medium of which the problems of law lecturers could be aired? The National Association for Business Education (formerly the National Association for Education for Commerce) has been suggested but since this is concerned with commercial education generally the proportion of its efforts devoted to law teaching is negligible. One lecturer stated that he did take up the question of Law teaching with the N.A.B.E. but with little success.

A little has been done however, for in 1956 the London branch of the N.A.E.C. set up several study groups to consider teaching problems attaching to certain subjects and one of these was a Law Study Group formed under the
chairmanship of Dr. G. M. Schmitthoff of the City of London College. Several meetings were held and two draft syllabuses produced, one for use with general secretarial courses where an introduction to Law was required and the other for use with classes preparing for professional examinations. The latter served as a model for the O.M.C. in Business Studies. The Group then tried to examine the question of teaching methods but made little progress largely because pressure of other work prevented the chairman from devoting as much time to the matter as he would have liked. Eventually the activities of the Group petered out.

Two bodies similar to the N.A.B.E. are the Faculty of Teachers in Commerce and the Society of Commercial Teachers but their spheres of operation tend to be much narrower and their members are almost entirely concerned with Shorthand and Typewriting. No reference to Law teaching appears in their Journals or at their meetings.

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A further suggested alternative is the Society of Public Teachers of Law, an association of University Law lecturers. The rules of the Society do not specifically exclude lecturers in Colleges of Further Education but the approval of the General Committee would be required and I have been unable to ascertain whether such approval would be given. In fact, membership is almost entirely restricted to the Universities and I know of one college lecturer who has applied for membership without success.

Even if membership of the Society were possible I am not convinced that it would be desirable as aims and methods differ widely between University and College of Further Education. Membership would probably be restricted to those teaching students on advanced courses for external degrees and these are the lecturers who need the least help. The most assistance is required by the lecturer working by himself in a small college who has no colleagues
with whom to discuss his problems.

On the question of a separate association there were 77 lecturers in favour and 20 against. Several others preferred to defer judgment until they had more information of the form the proposed body would take. One lecturer who expressed interest stated at the same time that he was not interested in 'another futile debating society to form an audience for a minority of self-important windbags'. Many of those in favour were very enthusiastic and offered assistance in its formation.

The aims and objects of any association would need very careful consideration in view of the difficulties mentioned above. An attempt to start on a grandiose scale would probably be doomed to failure and it is suggested that initially most of the work would have to be done by correspondence. A regular bulletin could be issued for the dissemination of information upon changes in the law, new publications and changes in syllabuses, and this would also provide a medium for the exchange
of ideas upon teaching methods and problems. The association would act as a centre for information upon subject matter and teaching methods. Enquiries from law lecturers could be passed on to those best able to deal with them.

Further developments would depend upon how much was being accomplished by the above and the amount of support received. Meetings and short courses might be arranged, a journal and other publications issued and representations made to examining bodies re syllabuses and examination papers and to publishers re textbooks. Perhaps assistance might be given to the non-specialist in obtaining legal qualifications and to others in the pursuit of higher degrees and research.

There does appear to be a need in Further Education for greater consultation between teachers in different colleges, 'a need for a greater sense of community between teachers in the same group of subjects.' The proposed

association would help to fill this need so far as Law is concerned. It would be particularly useful to the non-specialist teacher of Law by bringing him into contact with those who are legally qualified and to those in smaller colleges who have no colleagues teaching the same subject.

If an association on a national scale is impracticable it might perhaps be possible to do something at a local level. The lecturers in a number of colleges within easy travelling distance could combine for the purpose of regular meetings for the exchange of views and discussion of topics of common interest. If part-time teachers could be encouraged to attend this could be a subtle way of teacher training. The Law study group at Manchester, mentioned in Chapter 3,\(^\text{12}\) is at present considering possible ways in which such an association could be developed.

\(^{12}\text{Supra p. 61.}\)
CHAPTER 15
PART-TIME LAW LECTURERS

(a) Criticism

As noted in Chapter 3, 40% of all Law teaching in colleges is in the hands of part-time lecturers and some colleges rely entirely or almost entirely upon them.¹ These lecturers are drawn from a variety of fields, not only from legal practice and not all with legal qualifications. The gifted amateur is rare but not unknown. One excellent lecturer in Industrial Law is an engineer who became interested in the subject following an industrial injury when he was involved in the legal implications of the injury. Although possessing no qualifications in the subject he has natural ability as a teacher and has been most successful. Taking the country as a whole though, the greatest reliance is upon practising barristers.

¹Supra, Table 4, p. 53.
I have received considerable criticism of the part-time law lecturer. Many lecturers are said to dictate notes from textbooks or even their own old university notes with no previous preparation and no consideration for the type and ability of the students with whom they are dealing. Lecturers appear loath to set written work as required or to keep the necessary records despite constant instructions from the college to do so. There appears to be a general disinclination to be worried by such "trifles", a great weakness because it is not otherwise possible to assess students' abilities. Their only real interest is said to be in the fee payable with classes abandoned at the slightest sign of a brief. Punctuality and attendance leave much to be desired and was even commented upon by students.

Further criticism came from students. One remarked, 'Why is it that the other lecturers try to teach but the Law lecturer just talks and talks as though we were university students'. Another comment was, 'He teaches us as though he is addressing a jury'. In reply to the
latter it could be said that some of the great advocates would have made excellent teachers. On occasions the excellent examination results obtained by one part-time lecturer, whose teaching methods are described as deplorable, have amazed his critics.

The legal practitioner, drawing upon his own experience as a university Law student, tends to have little in common with and little sympathy for professional students. Their lack of teacher training often leads to a failure to realise that methods of instruction used in one institution cannot be substantially transplanted into another institution of a different type. It is not easy for them 'to get on the same wavelength'. The lecturer either talks above the heads of his students or goes to the opposite extreme so that the lecture becomes too chatty and little more than a collection of anecdotes. This is borne out by comments in Examiners' Reports.

The above criticism does not apply to all part-time
Law lecturers for some are very conscientious in their work. Some of the criticism arises no doubt from very extreme circumstances but it does suggest that the relationship between the college and the part-time lecturer is not as it should be.

Very few of the part-time lecturers are teacher trained and very few are interested in obtaining any guidance in how to teach and sustain interest. As an example, the Technical Teachers' Certificate of the City and Guilds, a national award intended for part-time lecturers in Further Education, was obtained by 75 teachers of commercial subjects in the nine years following its inception in 1953. Only 3, or 4% of these were teachers of legal subjects. The position is similar with local or regional courses of part-time teacher training.

In spite of these difficulties Colleges still employ considerable numbers of part-time Law lecturers. In most cases it is a necessity. The advantages of the
practising barrister, that he is qualified in his subject, that he has had practical experience and that he is often available in the day as well as the evening are taken to outweigh the disadvantages in his appointment. Unfortunately the young barrister after a few years' experience of teaching becomes a valuable member of staff at the same time that his growing practice obliges him more and more to send substitutes and eventually to give up altogether.

Greater attention must be directed to the training of part-time lecturers though the day when colleges will be able to insist upon some form of teacher training before appointment is a very long way away. A beginning could be made by encouraging these lecturers to read "The Part-Time Teacher" by Dr. W. A. Dinsdale and D. C. McMurdie. This is a short, well-written and interesting book and many of the illustrations are drawn from legal sources.

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2 W. A. Dinsdale and D. C. McMurdie, The Part-time Teacher (Stone and Cox Ltd., 1961.)
(b) Appointment of Part-Time Law Lecturers

When colleges were questioned regarding the appointment of part-time law lecturers there were diverse opinions on the question of suitability. Some colleges preferred legal practitioners in day to day touch with current legal problems who brought a 'live' atmosphere to the subject. Others expressed the view that, on the whole, such practitioners prove to be bad teachers, unaware of suitable methods and relying upon and working too much from textbooks. In the more elementary courses there was fairly general agreement that teaching ability was at least as important as extensive legal background.

Three colleges favoured the employment of lecturers with a secretarial or accountancy qualification. The majority view, however, was that it was unwise for non-specialists to teach aspects of Law which they have studied in obtaining a professional qualification. Far too often a lecture in such subjects as Law of Banking or of Insurance will give rise to questions outside the
specialised field which the lecturer without a general legal training will find impossible to answer.

Low rates of pay were suggested as an obstacle to obtaining legal practitioners except for the newly qualified and inexperienced. This leads to a high rate of turnover, one college mentioning two years as the average length of service. Solicitors seem to be harder to attract than barristers and almost impossible to obtain during the day. Table 19 shows that of the 153 colleges replying to this question, 51 or 32.9% said that they found it difficult to obtain suitable part-time lecturers. In addition, there appeared to be difficulties in obtaining suitable lecturers for more advanced work and for certain specialist subjects such as Roman Law, Constitutional Law and the Law of Transport. Some colleges reporting no difficulty felt that their resources were stretched and any increase in the amount of law teaching would be difficult to cover.

The fact that only one college in three finds it
<table>
<thead>
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<th>SIZE OF COLLEGE (By Weekly Class Hours of Law)</th>
<th>Under 5</th>
<th>5-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-49</th>
<th>50 and over</th>
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<td>Having no Difficulty</td>
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<td>8</td>
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<td>12</td>
<td>3</td>
<td>7</td>
<td>4</td>
<td>51</td>
</tr>
<tr>
<td>Percentage of Colleges having some Difficulty</td>
<td>41.2</td>
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<td>30.0</td>
<td>21.4</td>
<td>46.7</td>
<td>22.2</td>
<td>32.9</td>
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</table>
difficult to obtain part-time Law lecturers seems surprisingly low and the remarks made about this proportion in the case of full-time appointments are also applicable here. The smaller colleges appear to experience the greatest difficulty since these are for the most part outside the large towns where barristers' chambers are to be found. Colleges with between 30 and 50 hours of Law teaching do not follow the normal trend possibly because these colleges are just large enough to require some of the more specialised legal subjects.
(c) **The Attitude of the Part-Time Lecturer**

The general attitude of the Bar with its pride, tradition (and snobbery) appears to be that lecturing is *infra dig.* and distasteful. It tends to be treated with a certain amount of contempt as a necessary evil in the early years of practice when the money is the chief attraction. It is work to be given up as soon as possible. Most important also is the fact that barristers' clerks are frequently hostile to lecturing for they receive no fees from it.

It would seem that many lectures are within the gift of the particular part-time lecturer taking the class. If he decides to give up the class the college may in theory appoint his successor but in practice he is often the person to do so. This is done by selecting the replacement and sending him as a substitute on more and more occasions until the college readily agrees that it would be better for the substitute to take over the class. The choice of the substitute is usually made to
help a newcomer into the Chambers and not on ability. One Chambers in a large provincial city has an unofficial lecturing practice of over £1,000 per annum which the senior members are able to dispense as patronage.

Part-time lecturers were asked for their comments upon some of the criticism of them mentioned earlier in this chapter. They agreed that there was some truth in this but argued that over such matters as keeping register and other records they were unwilling to subject themselves to unnecessary discipline and that some unpunctuality and non-attendance was unavoidable by the nature of their work. Lecturing during the day was almost impossible to combine with anything but a very small practice. They agreed that they did not spend as much time on preparation as they should do and that this time had gradually decreased compared with, say, their first year at the Bar when their practice was negligible and they had time to spare. They said that the value of homework was exaggerated and that its marking bored them and added to their commitments. Their performance
as a lecturer varied according to how busy they were and upon the class. Classes preparing for the LL.B. were said to be a pleasure to teach but others such as Ordinary National Certificate classes tended to irritate and aroused their interest very little.

There were also many complaints regarding the fees payable by local authorities which are usually considerably lower than the rates recommended by the Bar Council and the Law Society. It was argued that the students were expected to understand and apply legal principles that university students find difficult but there was no recognition of this fact in the lecturers' remuneration.

There is some truth in the foregoing but in general the attitude is wrong for if the fees are accepted for the lecturing there is an obligation to do all that is required by the college in connection with the class. Many lecturers were very grateful for the lecturing when their practice was small and if they continued after the practice grows they surely owe something to the college.
The attitude over such things as unpunctuality is in sharp contrast to the servility shown to judges if they are late in Court, which very rarely happens.

The truth of the matter is that part-time lecturers naturally tend to put their legal practice first and that today their lecturing fees compare unfavourably with what they can earn in practice, provided always that the work is there. The Bar is now very busy for numbers have tended to fall away as new entrants have not made good the wastage. The extension of Legal Aid has brought more work and fees have tended to double during the last two or three years. Whereas a few years ago applicants for part-time lecturerships had to wait perhaps three years for an appointment applicants today can usually obtain a post without much difficulty.

The contact between the colleges and legal practitioners should not be severed completely for the latter have a valuable contribution to make. Their practical experience and knowledge of the branches of law and the
problems that are coming before the Courts and the frequency and importance of such cases should not be lost.

The Robbins Committee actually recommends that a more widespread use should be made of part-time staff in higher education, arguing that there is a considerable number of persons who would have a valuable and distinctive contribution to make as part-time teachers and who would be willing to consider such employment. It is doubtful if this is generally true at present so far as legal subjects are concerned. Those persons qualified and wishing to teach Law can usually obtain an appointment fairly easily.

As the proportion of day-time work in colleges increases it will be increasingly necessary to find staff who are not committed to other occupations during the day. In view of this and of the other arguments against the present use of part-time Law lecturers it is suggested

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that more full-time appointments should be made. Colleges could then be more selective in their appointments of part-time lecturers.
CHAPTER 16
TEACHING PROBLEMS AND TECHNIQUES

(a) Teaching Problems

Many of the problems arising out of the teaching of Law and the techniques used in an attempt to overcome these problems are not peculiar to the teaching of this subject alone. This chapter will not therefore attempt to cover the whole question of general teaching methods for much has been written in this field. Instead an attempt will be made to summarise the principal problems encountered by Law lecturers in Colleges of Further Education and some of the techniques that have been adopted by these lecturers.

The general opinion of lecturers was that the greatest problem arose with beginners, especially young people, aged sixteen to eighteen who were taking an O.N.C. or similar course immediately after leaving school. Law is always a difficult subject for the layman but it
is much more difficult to teach these younger students, many of whom are lacking in powers of critical analysis, maturity and background knowledge, than it is to lecture to adult students at an advanced level. It is not easy to cater for these students by 'watering down' the subject for it is no easy matter to determine what to omit or how to simplify correctly. A further difficulty is their often inadequate command over the English language which makes it difficult for them to express themselves on legal matters. Most young students find the subject difficult and flounder a bit at first. Literature in pamphlet or book form on the teaching of Law with particular reference to the 16-18 age group would apparently be welcomed by the non-specialist lecturer and there are probably some qualified specialists who would benefit as well.

The resulting wastage in preliminary Law classes could no doubt be avoided if a higher standard of entry was required. It would be interesting to see if there was any correlation between I. Q. and/or passes in
selected G.C.E. subjects such as Latin, and success in legal examinations. Any such research aimed at preventing so many students beginning a study of Law with little hope of ever being successful would be extremely valuable.

From the teaching point of view the subject is predominantly academic and theoretical rather than practical and this, together with the terminology, makes it a difficult subject to present. There is always difficulty in presenting an abstract subject and the problem is one of motivation. Interest must be generated and the initial resistance or apathy to what is often regarded as a dry subject overcome. Secretarial students, interested primarily in shorthand and typewriting tend to 'suffer' the subject. Professional students with an accountancy or similar qualification as their main objective, often regard Law, one of their examination subjects, as an unnecessary evil and something to be endured. In neither case is there from the beginning, the enthusiasm and interest found in establishments where the subject is read for its own sake. Later, they frequently
become interested but there still remains the difficulty in learning and following legal argument arising out of the abstractions of the subject.

The customary wide syllabus for General Principles of Law and the usual restriction of lecture time to about one and a half hours each week means that a student may learn a satisfactory amount on each topic for examination purposes but few really appreciate the general concept of the English legal system or the reasons for legal rules. Such students have never been into a Law Court and have never even seen, let alone read, a Law Report.

As with other subjects, the great reliance upon evening studies means lack of time for background reading. The O.N.C. in Business Studies is a breakthrough in this respect for in many colleges professional students are being taught for the first time on a day-release basis. Even with part-time day students though, the demands upon time are excessive and reading suffers as a result.
Banking students are under considerable difficulty in this respect. Their syllabuses are extensive and yet the examinations are held in April giving only about 22 weeks of lectures or some 30 hours in total. Since day release here is only just beginning, these lectures are usually in the evening when students are not at their most receptive.

In view of the emphasis placed upon lack of time for background reading an attempt was made to see whether this was the case. Students were asked how long they normally spend on legal studies excluding lecture time and the results are summarised in Table 20. The average student in a College of Further Education spends two hours though this varies considerably for individuals, from no time at all up to twelve hours. The most surprising point emerging is that the average evening student apparently spends more time than a student who attends on a part-time day release basis and the latter spends more time than the average full-time student. The latter may admittedly have more subjects to cover but
<table>
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<td>12.00</td>
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<tr>
<td>All Students</td>
<td>2.00</td>
<td>12.00</td>
<td>NIL</td>
</tr>
</tbody>
</table>
it does suggest that some of the complaints made by students attending in the day that they have no time for background reading are not entirely justified.

So far as subject-matter is concerned those branches of Law containing a preponderance of statute law, for example Company Law, are not popular with students and it requires great effort to awaken interest. Historical development and Property, which is abstract in content and apparently lacking the logical nature of Contract, are other topics students find uninteresting and difficult to grasp. The distinction between Law and Equity creates difficulty, especially when students are told that both are now administered in the same court. Other problems include a preoccupation with criminal law, the inability to distinguish between common law and statute law in certain aspects of Industrial Law, particularly industrial injuries, the concepts of law and justice, the precise use of legal terms, the inability to absorb details on the Courts and statutory terms and definitions such as that of a bill of exchange. Lack of background means
that, for example, a reference to a case as a House of Lords authority has very little impression.

Lack of background may be a problem for the lecturer as well as the student. The lecturer without a legal background often finds it difficult to get away from the textbook approach and to stimulate and guide discussion which may arise on extraneous but related issues. It is not easy for him to adapt the facts of decided cases to show how the Law is likely to affect the student’s everyday life or to compare problems based on the student’s experience which illustrate the point at issue. Such lecturers, probably with a professional qualification, may be successful with senior students dealing with some specialised aspect of law such as Negotiable Instruments or Insurance but may be most unsuitable with more junior students when dealing with a wider subject such as General Principles of Law. In the latter case his lack of a wide legal background can be a considerable handicap and several lecturers have admitted this quite readily.
Some aspects of law are not readily assimilated by students because of the complexity of detail in reported cases and the apparently unimportant differences which led to different decisions. Vicarious liability is an outstanding example of this. On the other hand, cases such as Donoghue v. Stevenson\(^4\) are most suitable for the younger mind. In dealing with cases, though, there is often difficulty in distinguishing between the facts of the case and the underlying principles. They are sometimes baffled by the use of names and initials which do not correspond to those of the litigant at the head of the case. They also experience difficulty in distinguishing clearly between the principles underlying various legal decisions and their sense of "fairness", though the latter is a valuable quality which is worth retaining provided that it can be kept in its proper place.

Students like rules to enable them to arrive at clear-cut solutions in 'problem' questions and are

\(^4\)(1932), All E.R.1 (H.L.).
sometimes confused when this is not possible since there are so many exceptions to be considered. Consequently they become disheartened. How many times do they ask - 'How can we be expected to give a proper judgment when Judges in Appeal Courts cannot agree?'
Methods of Presentation

The effectiveness of teaching depends upon the teacher being able, through years of experience, to measure the standard of ability of his students. His approach and techniques must be varied accordingly.

Various techniques have been suggested to me. For a course in General Principles one lecturer begins by giving the briefest of outlines of nature, sources, etc. and then reverts to these at the end of the course when, for example, knowing the significance of part performance the role of Equity means something to a student. Another lecturer begins the course slowly and speeds up as the students feel their feet in the subject.

For a specific topic, one lecturer explains its essential elements in brief details, discusses relevant cases of importance as given in the prescribed textbook, discusses latest developments and cases in the subject from newspaper cuttings and other sources and finally
summarises by dictating a prepared note. Another lecturer, as far as possible, introduces the facts of simple and interesting cases first and then draws out common points and principles with the students, keeping them in suspense to a certain extent and letting them do the work.

Whatever method is adopted it will for the most part be a variation of the straight lecture followed by a discussion which students tend to prefer. With many classes time permits little else but there must be as much student participation as possible. If the students have done some previous reading, especially on matters of detail, more time will be available for class discussion of questions arising out of the reading and the application of principles. A further variation is the preparation and presentation of lecturettes on specific topics by individual students, followed by discussion, again if time allows. Spontaneous discussions occasionally arise but the nature of the subject-matter usually requires previous preparation by lecturer and students if a discussion is to have any value.
The lecturer must avoid being merely an oral textbook. Constant questioning, with perhaps written questionnaires at intervals, marked by the students themselves, can be used to test assimilation. Written work must not be set only upon the ground covered in the lectures. Problems, which are claimed to be the best test of Law at all levels, can be used both in class and for homework.

As in other subjects the experience of the students should be used to illustrate the application of rules of Law and this should not be difficult for Law has much more relevance to everyday life than many other subjects. It is rewarding to give examples from everyday life and personal problems such as breach of promise and purchase of houses can be used to advantage. Interest may be maintained by relating legal rules to office and factory experience. Analogy is useful. Thus one lecturer explains the distinction between law and Equity by comparison with a referee applying the rules of soccer and rugby to the same game but providing
that in the event of a conflict the rules of soccer shall prevail. He believes that it occasionally succeeds. Similarly the distinction between solicitors and barristers can be compared to the medical profession by distinguishing between the general practitioner and the specialist and by comparing Court work with surgery. Techniques, such as mnemonics designed to cope with the strain on the memory imposed by the subject can also be useful.

Tutorial classes should be introduced whenever possible, particularly for advanced students, and if time does not allow a weekly class such tutorials can be introduced in rotation with other subjects. During such tutorials the examination syllabus can be put on one side, if desired, and legal topics discussed in a wider context and in the light of political, social and economic factors. Progress may be slow at first and students may have little to contribute but with careful selection of topics of current interest this rate of progress will soon increase. Part of the tutorial time
could be devoted to the use of lawyers' materials by spending it under guidance in a Law library or by basing the work on Statutes and Law Reports.

The personality of the lecturer is most important for upon this largely depends whether or not the subject is found interesting and hence whether or not it is found easy to understand. Unless Law is taught in an interesting, lively and enthusiastic way it can be very dull and the student quickly becomes bored. Professor Gower places the ability to be interesting higher than knowledge or accuracy in listing the qualities of the good Law teacher. He suggests that an occasional "howler" may be a good thing to liven up a class and if the lecturer has difficulty in making sufficient mistakes for this purpose there is something to be said for introducing one deliberately.\(^5\)

Two matters with which Law lecturers appear to be particularly pre-occupied, the use of cases and note-taking, are dealt with in the two following sections.
(c) Use of Cases

There was general agreement amongst lecturers that presentation of the subject through cases wherever possible was the most successful approach which raises the question of whether the case study method, used by most American Law Schools, could be adopted for this type of student. This method is 'based on the idea that the best way to study Law is to study actual Court decisions in various types of cases, and to derive from them, by inductive reasoning, an understanding of the main fields of classification in the law and the general rules and principles of law applicable in these fields'.

It reverses the traditional technique of working outwards from the Law to the problem it attempts to solve by substituting a codification of the common problems in each field and from these a construction of the existing Law, its coverage and its gaps. It is felt that rules

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6Stanley V. Kinyon, How to Study Law and Write Law Examinations, (West Publishing Co., St. Paul, Minn, 1950)
drawn from a discussion of a leading case will have a deeper and more lasting effect than a formal statement of principles. The development and operation of this method is described concisely by Professor Eisenmann in a UNESCO report. 7

This method has not been well received in the universities of this country who have still retained the lecture-tutorial approach and there has even been a recent reaction against its use in America. Still less do I feel that this method is suitable for extensive use with the type of student we are considering under present circumstances. Apart from anything else the average student spending approximately two hours per week on legal studies would make little impression on the typical American case book of over one thousand pages in length. Shortage of time both inside and outside the lecture

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room, pre-occupation with existing syllabuses and examination papers and the fact that Law is only one subject in the average student’s curriculum, amongst other things, preclude the adoption of this method. The usual examination course in General Principles of Law cannot be covered adequately in 45 hours other than by the lecture method, and students feel cheated if any part of the syllabus is omitted.

However, cases do have a most important part to play in the teaching of Law and there is room for further experiments in this field. Perhaps secretarial students who are not so tied to external examinations provide the best opportunity for trying out new techniques and yet far too often they receive a watered-down professional course since the lecturer already has prepared notes for such a course. The good teacher will use cases with care, realising that all students do not react well to the case method. It is particularly suitable with older students who already have a background knowledge of general legal institutions and principles. The conflict
situation in cases evokes interest so that cases are indispensable as a teaching aid apart from their intrinsic value. By stimulating interest in this manner it is possible to obviate the tendency of students to leave their Law in a vacuum.

If it is possible to go beyond the textbook and analyse cases by taking in extracts of judgments, students may be helped to develop legal reasoning. More time for study in a narrower field would be desirable for an intensive study of one branch of say, Contract, can be carried out to show how case law is built up and previous judgments followed, disapproved or distinguished. Thus the adjustment of the rights of the parties in the event of subsequent impossibility can be used to show how a problem is treated and developed by means of precedent and statute. Paris v. Sterney Borough Council and Bolton v. Stone are excellent examples for following a case through the courts and showing the different

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8(1951), 1 All E.R. 42 (H.L.).
9(1951), 1 All E.R. 1078 (H.L.).
attitudes and arguments adopted by different courts. Some branches of law such as Contract and Tort can of course be more easily taught through cases than can other branches.

Material for case study can be duplicated and considerable guidance can be obtained from textbooks such as Sutton and Shannon. In the field of Industrial Law, the notes of cases in the old Industrial Law Review were very good and of about the right length. If the decision is omitted students can then be asked for the point of law involved and for the solution. Cases can be disguised and students asked for their decisions until they become adept at tracing the cases in reference books. Cuttings from newspapers and magazines can be used and one lecturer has built up a card index system of cases from The Times for class use. Such case cards have the advantage that they can be sorted and re-sorted under classificatory headings. A class collection of press reports on interesting cases, even when not strictly relevant, can help to instil practicality and stimulate
interest, provided that the emphasis is not solely upon criminal law.

The use of case law as much as possible tends to show students that Law is not as far removed from everyday life as they may think. Local cases can be used as students remember principles better if applied to their neighbours than as textbook references. If suitable cases do not exist the lecturer can invent them, based upon hypothetical situations, this being of course a problem in itself. A need appears to exist for fairly elementary case books in particular subjects, possibly combined with problem questions. Unfortunately the demands of other subjects and lack of time, because of wide syllabuses and the factual nature of examination questions, do not permit sufficient case work.
(d) **Note Taking**

There were many mixed feelings upon the important question of note taking. Students are lacking in time, money and inclination to get books and read for themselves and note taking during the lectures is essential. The problem is how this is to be done.

Students in the more elementary classes are not capable of taking their own notes from a lecture and even the names of cases must be spelt out. Dictation of notes is very often a necessary evil, in fact most students prefer these, punctuated at intervals by amplification and discussion. This is particularly so with overseas students even at degree level. Although the lecturer must ensure that all students have obtained skeleton notes, the lecture should not degenerate into summary and note taking.

It could also be argued, rather facetiously, that the dictation of notes from time to time gives both the
teacher and the students a rest. The Law lecturer does not have the same opportunity of setting the students an exercise to work in class as does his colleague with Accountancy. Note dictation can be used as a form of relaxation in a two-hour Law class by the poor teacher who can think of no other method of doing this.

Where the necessary secretarial service is available, and this is not very often, the issue of duplicated notes, perhaps with space for students to make additional notes, and of lists of problem questions saves considerable time in direct tuition. This, coupled with prior reading by the students, enables the tutorial approach to be used and more time to be devoted to discussion and argument. This approach by way of problem questions is more nearly the method used by the lawyer applying his knowledge in practice. Such handouts can be valuable if used judiciously but they are not the complete answer because some students will lean too heavily on them and make little effort themselves. As with teaching generally it is perhaps better to ring the changes between dictated
notes, particularly definitions and brief summaries, duplicated notes and students making their own notes with the assistance of blackboard summaries. Where students are taking their own notes they will need a certain amount of guidance, particularly in the early stages. Time can be saved by suggesting abbreviations.  

Where the subject is largely statutory, the students should possess copies of the relevant statute. A precis can then be made by underlining the essential words in the statute.

Students' preferences regarding note taking are summarised in Table 21. The figures presented here have their limitations for much depends upon what the students are accustomed to. For example, some have never been given duplicated notes and those that have may have been deterred if the notes have been badly typewritten or duplicated. A few students said they

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had difficulty in following the notes whilst the lecturer was reading them out and discussing them.

There does appear to be a definite preference for dictated notes and a reluctance to rely upon notes taken by themselves whilst the lecture proceeds. This reluctance applies particularly to part-time students who prefer duplicated notes. Even amongst degree students there are many who prefer dictated or duplicated notes.

The preference for dictated notes is another result of overcrowded syllabuses. The lecturer is often obliged to cover the ground so quickly that it is difficult for the student to take clear notes suitable for revision at the same time. They are not confident in their own ability to ensure that they have a proper set of notes with all the necessary detail without dictation. It is true that some did qualify their answers on this point by stating that their preference for dictated notes was primarily in respect of concise definitions, headings and summaries and that the method of dictation was important.
<table>
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<th>Taking own Notes</th>
<th>Duplicated Notes</th>
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</tr>
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<td></td>
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<tr>
<td><strong>All Students</strong></td>
<td>46</td>
<td>28</td>
<td>26</td>
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</table>
(e) **Aids to Teaching**

Aids to teaching, although not a substitute for good teaching, can do so much to make a subject interesting and appealing to students. Experience suggests that there is scope for much more development and experiment in this field.

Perhaps in the future certain colleges will be able to set aside one room for the teaching of Law, in which such things as photographs, charts, copies of legal documents and possibly a model of a typical court room may be permanently on display. In the meantime such things can be used if the lecturer is prepared to take that little extra trouble. A notice board upon which such matters are displayed together with cuttings of current cases from newspapers and professional journals can be used provided that it is changed at regular intervals. Examples of typical legal documents in particular should always be available for examination by students.
There is a need for films and film strips upon legal topics. Some could be directed to the posing of problems as a basis for discussion similar to those used for many years in the field of supervisory and management training. Greater use could be made of tape recorders and sound and television broadcasting whilst no doubt in the future, teaching machines will be used quite extensively with this subject.

Whilst discussing these modern aids the value of the blackboard must not be forgotten. A little amateur art does not come amiss to explain what happened to poor illiterate Mrs. Thompson\textsuperscript{11} or the unfortunate Mrs. Sayers.\textsuperscript{12} Diagrams help to make clear the facts of difficult cases, agency relationships being particularly suitable for this form of treatment. Diagrams may also be used to provide a blackboard summary for topics such as the organisation of the courts, the development of Law, the

\textsuperscript{11} Thompson v. L.M. & S. Railway Co., (1930), 1 K.B. 41.
distribution of an estate in the event of intestacy and
the classification of different types of property.
Where such a diagram is used frequently the construction
of a flannelgraph may be well worthwhile.

Debates, moots and mock trials can be used in the
lecture room when time permits and their staging by
students' societies encouraged outside the lecture room.
The value of such activities is often underestimated.
A mock action for defamation, for example, will not only
fix the relevant substantive law in the minds of the
students but the preparation and presentation of the
action will give them a good grounding in procedural
matters. The actual presentation will provide valuable
practice in the marshalling of facts and the enunciation
of them in a logical and coherent manner.

Visiting speakers add variety to a course and give
the student the feeling that he is obtaining his informa-
tion from experts. Members of the legal profession,
justices of the peace, court officials and police officers
could all be invited with advantage. Previous prepara-
tion of prepared questions will stimulate discussion
after the talk.

Visits to the various Courts and related institu-
tions such as a Probate Registry, if carefully prepared
beforehand and followed up afterwards in class, can have
considerable value. Such visits can be planned in con-
junction with talks by visiting speakers.

Although students are almost invariably welcomed,
such visits do raise difficulties. At least the whole
of one half-day must be set aside for the visit which
means timetable difficulties and complaints from lecturers
of other subjects, particularly in the case of part-time
students. Quite frequently only small groups are accepted
at any one time, which causes a further dislocation of
the timetable if a large class is concerned. There is
an element of uncertainty, for the varying lengths of
cases makes it impossible to know very long in advance
which type of case will be heard and a chance must be
taken in this respect. Part-time lecturers who are practitioners are very reluctant to organise and take these visits, for to be seen at a court with a party of students suggests that their practice is not a busy one. Students in large towns are, of course, at a considerable advantage in the variety of courts and cases available without much travelling.

Table 22 shows the extent to which students at one college have been able to see the Law in action. The proportion of students who have visited the Courts is naturally much higher in the case of full-time students than with part-time students where the opportunity for such visits is obviously so much less. It is a pity that the proportions are not higher in all cases. Such visits are popular with students; they are constantly asking for more of them and considerable benefit is derived from them.

Students should be encouraged to read widely in fields which have a legal background and be provided
### TABLE 22: COURT VISITS MADE BY STUDENTS

<table>
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<tr>
<th></th>
<th>Percentage who have been present at:</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Criminal Trial</td>
<td>Civil Action</td>
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<tr>
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</tr>
<tr>
<td><strong>All Students</strong></td>
<td></td>
<td>57</td>
<td>36</td>
</tr>
</tbody>
</table>
with reading lists for this purpose. Professor Williams has made many suggestions for this purpose but not all of his recommended books are suitable for this type of student.13 A lecturer should be able to draw up a list from his own experience.

Many television programmes also have a legal background and can provide a good basis for discussion. Unfortunately, with the possible exception of the I.T.V. series, The Verdict is Yours, many programmes give a wrong impression of legal proceedings. Students can be encouraged to criticise them however, and point out how they differ from actual practice. Some value must be derived from these programmes, for in a memorandum submitted by the Law Reform Committee of the Bar Council to the Morris Committee on Jury Service in January, 1964, they are said to have made a considerable contribution to the improvement in the calibre of juries over the past ten years. Occasionally a documentary programme

such as *The Lawyers*, produced by the B.B.C., contains a considerable amount of factual knowledge and of points for discussion. It is a pity that such material is not more readily available for use by colleges.
CHAPTER 17
SUMMARY AND CONCLUSIONS

Legal studies occupy an important place in Colleges of Further Education. The ubiquity of legal considerations makes such studies invaluable as an integral part of a person’s general education, in addition to the mental discipline and training in analysis and expression which are inevitable concomitants. Law is also a necessary constituent in vocational training for many posts of responsibility, particularly in the field of commerce. Unfortunately, the lack of research to date has meant that most of the statements made on the subject of Law teaching are generalisations or opinions with little factual background to support them.

Enquiry shows that in quantity Law is comparable with the other basic commercial subjects of Accounts, Economics and Commerce. There are almost 6,000 hours of Law teaching each week in 275 colleges and over 30,000
students are involved. A much higher proportion of this teaching is in the day than is generally realised and at the same time there is a greater reliance upon the services of part-time lecturers than is the case with other subjects. More full-time lecturers are required and organisation and co-ordination of the teaching require much greater attention.

Much of the Law teaching is concerned with National Certificate and Diploma Courses and with students preparing for the examinations of professional associations. Most of the professional associations require a pass in one or more legal papers although the importance attached to such passes is a matter of opinion. The general pattern of study comprises General Principles of Law at Intermediate level and a more vocational study of substantive law, frequently Commercial Law, at Final level. The number of professional students attending colleges could be increased substantially with a little more encouragement from some associations and with more uniformity in syllabuses for common subjects. In theory,
the purpose and value of legal studies are realised by the professional associations and relationship with the colleges is good but these bodies could perhaps make more use of the experience of Law lecturers in the colleges.

An increase in external degree courses which include legal subjects, particularly during the day, has been caused by the shortage of university places. With the exception of one college the recent results in the LL.B. Examinations do not justify the effort and expense of offering these courses in so many colleges and there should be severe restrictions upon the number of colleges offering this course. If the external LL.B. of London University is not now suitable for evening students in most colleges, consideration should be given to the institution of a legal qualification of a slightly lower standard.

There appears to be little scope for extending the few courses assisting in the training of legal practitioners.
The colleges have a part to play however, in the rationalisation and extension of courses for the unadmitted ranks of the newly formed Institute of Legal Executives and courses of training for legal secretaries offer further possibilities.

Legal subjects also appear in secretarial courses, as Advanced Level subjects of one G.C.E. Board, in the examinations of the Royal Society of Arts and the Regional Examining Unions and in management courses. There is also a wide variety of non-examination courses devoted to Law and there appears to be further scope for expansion in this field.

Textbooks are perhaps as important in Law as in any other subject. Choice depends upon many factors but both choice and use often receive insufficient consideration. It is difficult to persuade students to read bulky textbooks but, in general, both staff and students were satisfied with the range of available books. A few deficiencies appear to exist particularly in the case of
beginsers embarking upon a study of General Principles
of Law.

Library facilities vary but appear to have improved
counterably in recent years. It is a pity that students
do not make more use of existing facilities though the
difficulties encountered particularly by part-time students,
are not peculiar to Law. Professional students have addi­
tional assistance in respect of library and other facil­
ities provided by their professional associations. More
colleges should make an effort to subscribe to legal
periodicals and the larger colleges should also provide
Law Reports, if only as a service for lecturers.

The procedure for drawing up and revising examination
schemes and syllabuses varies as between the different
examining bodies. Greater consideration could perhaps
be taken of the views of Law lecturers. Syllabuses
generally could be made a little more informative and
realistic and could be revised at more regular intervals.
Most syllabuses attempt to cover too much ground for
the limited time available and greater uniformity in syllabuses for common subjects would be of considerable help to colleges.

There is now fairly general agreement that it is desirable for a student to obtain a background knowledge of legal institutions and principles before beginning a study of substantive law. The majority of professional and other examining bodies now support this practice both on educational and practical grounds and have introduced General Principles of Law at Intermediate level. Unfortunately, standardisation of subject has not led to standardisation of subject-matter and an examination of syllabuses shows considerable variations. Such syllabuses were severely criticised by both lecturers and students particularly on account of their width and complexity and yet many suggestions were made for further inclusion.

The most important branch of substantive law taught in colleges is Commercial Law. Most of the comments
and criticism made regarding General Principles of Law apply equally here, though to a lesser extent, and the most important omission from most syllabuses is reference to those aspects of the Law of Tort which are likely to affect business transactions.

In their appointments of Law examiners many examining bodies appear to rely too much upon university lecturers and legal practitioners and not enough appointments of college lecturers are made. Examination papers vary but, in general, there should be more "problem" questions and less apparent emphasis upon knowledge of detail and citation of authority even though examining bodies deny that this is the case. Provision of statutes in the examination room has sufficient support to make it worthy of further consideration. Examiners' Reports reveal the usual mistakes made by candidates, many of which are not peculiar to this subject alone.

Less than half of the full-time Law lecturers possess legal qualifications. Law suffers in consequence,
for many of the lecturers are attempting to deal with it as a subsidiary subject additional to an already heavy teaching burden. Most colleges stated that they had no difficulty in making appointments but their replies to this question are difficult to interpret since so many factors are involved. There appears to be no accepted method of entry into a first teaching appointment and very few entrants are taking a course of teacher training. Lack of time and money appear to handicap many lecturers in their efforts to keep up to date with their subjects and with new publications and to assist them in this respect, amongst others, there is a majority view in favour of forming an association of Law lecturers.

Part-time Law lecturers upon whom colleges rely so much are strongly criticised both for their attitude to the work and upon their teaching ability. Although colleges appear to have little difficulty at present in appointing these lecturers the recent increases in work and fees of legal practitioners suggest that more full-time appointments should be made to guard against likely
difficulties in the future.

The greatest problem in teaching Law appears to be the presentation of an abstract subject to young people beginning its study for the first time and this problem is made worse by lengthy syllabuses and insufficient time both in class and for background reading. The taking of notes appears to present a particular difficulty. Various methods of presentation are being used and there is considerable scope for further experiments. There is general agreement that an approach through cases is most successful though not to the extent of adopting the American case study method in its entirety. There are various aids to teaching whose use could be extended and developed, and greater efforts should be made to ensure that more visits to the Courts are made.

In conclusion, this thesis is an attempt to show the importance of legal studies in Colleges of Further Education and to outline the work that is being done at present. A considerable expansion is anticipated in the
next few years when many of the problems posed will become so much more important. Further research in this field is required and perhaps some of the suggestions put forward may provide a starting point for further projects. Sufficient will have been achieved if further thought and discussion are provoked.
APPENDIX A

QUESTIONNAIRE A COMPLETED BY COLLEGES

CONFIDENTIAL

Name of College ..................

1. How many class hours of legal subjects are there at the College each week
   (a) Day?
   (b) Evening?

2. What proportion of this work is carried out by full-time members of staff?

3. Does the College run any of the following courses with a legal subject as a constituent?

<table>
<thead>
<tr>
<th>Course</th>
<th>Full-time</th>
<th>Sandwich</th>
<th>Part-time Day</th>
<th>Evening</th>
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<td>Secretarial</td>
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<tr>
<td>L.L.B.</td>
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<tr>
<td>Any other course(s):</td>
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</table>

Please tick where appropriate. An indication of approximate
numbers of students in the various categories would be even more helpful if this is possible without a great deal of work.

4. Does the College experience much difficulty in finding suitable Law lecturers

(a) full-time?
(b) part-time?

5. Names of full-time members of staff who lecture in Law:

6. Any further comments you may care to make upon the teaching of legal subjects would be appreciated.
APPENDIX B

QUESTIONNAIRE B COMPLETED BY LAW LECTURERS

N.B. All information given below will be kept confidential and will not be published in such a way that its source is recognisable.

1. (a) How many hours of lecturing do you do each week?
   (b) What proportion of these hours is concerned with legal subjects?
   (c) What branches of Law do you teach or are particularly interested in?

2. (a) Which textbooks do you prefer to recommend or use for
   (i) General Principles of Law?
   (ii) Mercantile Law?
   (iii) Company Law?
   (b) Do you find difficulty in prescribing a suitable textbook for any particular course(s)?

3. (a) Are you satisfied generally with the provision of law books in the College Library?
   (b) What legal periodicals, if any, are taken?
   (c) Does your library contain Law Reports?
   (d) Do your students find any difficulty in using the library facilities?
4. Have you any particular criticism to make of professional and other examining bodies with regard to:

(a) Syllabuses?
(b) Examination papers?

5. Have you encountered any particular problems or found any particularly successful techniques in presenting the subject to your students?

6. Any information that you may care to give regarding your legal and other qualifications and the length of your teaching and other experience would prove most useful.

7. Do you find difficulty in keeping up to date with:

(a) Changes in the law?
(b) New Publications?
(c) Changes in syllabuses and examination requirements?

8. Do you feel that there is a need for, and if so, would you be interested in the formation of an association of lecturers in legal subjects in Colleges of Further Education?

9. Any other comments that you may care to make would be greatly appreciated.

Name

Grade

College
APPENDIX C

PROFESSIONAL ASSOCIATIONS CONSULTED

(With abbreviations used in the text)

Advertising Association
Association of Certified and Corporate Accountants (A.C.C.A.)
Association of International Accountants
British Institute of Management
Building Societies Institute
Chartered Auctioneers' and Estate Agents' Institute
Chartered Institute of Secretaries (C.I.S.)
Chartered Insurance Institute
Corporation of Secretaries (C.C.S.)
Incorporated Society of Auctioneers and Landed Property Agents
Institute of Bankers
Institute of Bookkeepers
Institute of Certificated Grocers
Institute of Chartered Accountants
Institute of Company Accountants
Institute of Cost and Works Accountants (I.C.W.A.)
Institute of Export
Institute of the Furniture Warehousing and Removing Industry
Institute of Hospital Administrators
Institute of Housing
Institute of Marketing and Sales Management
Institute of Municipal Treasurers and Accountants (I.M.T.A.)
Institute of Office Management
Institute of Practitioners in Advertising
Institute of Quantity Surveyors
Institute of Shipping and Forwarding Agents
Institute of Transport
Institute of Travel Agents
Local Government Examinations Board - Diploma in Municipal Administration (D.M.A.)
Purchasing Officers' Association
Royal Institution of Chartered Surveyors
Savings Bank Institute
Society of Commercial Accountants
Town Planning Institute
Valuers' Institution
APPENDIX D

QUESTIONNAIRE COMPLETED BY STUDENTS OF
GENERAL PRINCIPLES OF LAW

CONFIDENTIAL

1. What law subject are you at present studying?

2. (a) What textbook(s) are you using?
       (b) Have you read it (them)?
       (c) Do you find the book(s) readable?
       (d) Do you feel the book(s) adequately cover the course?
       (e) If not, what are the deficiencies?

3. (a) Have you read or consulted any law book(s) other than the
       prescribed textbook(s)?
       (b) Have you used the law section in the College Library?
       (c) Have you read or consulted:
           (i) The legal section in your professional journal?
           (ii) Legal periodicals?
           (iii) Law Reports?

4. Do you prefer:
       (a) Notes dictated by the lecturer?
       or (b) To take your own notes as the lecture proceeds?
       or (c) Duplicated notes provided by the lecturer?

5. Approximately how long do you spend on law studies each week
   apart from the actual lecture?
6. The following are the principal topics covered in most courses dealing with general principles of law.

(a) Will you please place a tick (✓) in the appropriate columns against those topics that you find:

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<thead>
<tr>
<th></th>
<th>Interest</th>
<th>Ease or Difficulty</th>
<th>Use in work</th>
<th>Use in everyday life</th>
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<td>Tort</td>
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<tr>
<td>Wills and intestacy</td>
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<tr>
<td>Law of Property</td>
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<tr>
<td>Legal personality</td>
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</tbody>
</table>

(i) Interesting  (ii) Easy to understand
(iii) Likely to be of use in your work or any future legal studies
(iv) Likely to be useful in everyday life.

(b) Will you please place a cross (x) in the appropriate columns against those topics that you find:

(i) Uninteresting  (ii) Difficult
(iii) Not likely to be of use in your work or any future legal studies
(iv) Not likely to be useful in your everyday life.
7. (a) What topics, if any, do you feel could be excluded from the course or given less attention?

(b) Can you suggest any topics that you feel could with advantage be included or given greater attention?

8. Have you ever been present during

(a) a criminal trial?

or (b) a civil case?

9. Have you any further comments to make on this subject?

(Signed) ........................

Course ..........................
APPENDIX E

QUESTIONNAIRE COMPLETED BY STUDENTS OF SUBSTANTIVE LAW

CONFIDENTIAL

1. What law subject are you at present studying?

2. (a) What textbook(s) are you using?
   (b) Have you read it (them)?
   (c) Do you find the book(s) readable?
   (d) Do you feel the book(s) adequately cover the course?
   (e) If not, what are the deficiencies?

3. (a) Have you read or consulted any law book(s) other than the prescribed textbook(s)?
   (b) Have you used the law section in the College Library?
   (c) Have you read or consulted:
       (i) The legal section in your professional journal?
       (ii) Legal periodicals?
       (iii) Law Reports?

4. Do you prefer:
   (a) Notes dictated by the lecturer?
   or (b) To take your own notes as the lecture proceeds?
   or (c) Duplicated notes provided by the lecturer?

5. Approximately how long do you spend on law studies each week apart from the actual lecture?
6. Have you ever been present during 
   (a) a criminal trial? 
   or (b) a civil case? 

7. Did you take an introductory course in general principles of 
law before passing on to the study of a specific branch of law? 
   (a) If so, do you find that this course has helped you to a 
       better understanding of your present studies? 
   (b) If not, do you feel that such a course would have been of 
       assistance? 

8. Which parts of your present course do you find 
   (i) (a) Interesting? 
       (b) Uninteresting? 
   (ii) (a) Easy to understand? 
       (b) Difficult? 
   (iii) (a) Likely to be of use in your work? 
       (b) Unlikely to be of such use? 
   (iv) (a) Likely to be of use in your everyday life? 
       (b) Unlikely to be of such use? 

9. (a) What topics, if any, do you feel could be excluded from the 
course or given less attention?  
(b) Can you suggest any topics that you feel could with advantage 
be included or given greater attention? 

10. Have you any further comments to make on this subject? 

(Signed) ..................................

Course ..................................
APPENDIX F

TEXTBOOKS REFERRED TO IN THE TEXT

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<tr>
<th>Author(s)</th>
<th>Title</th>
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<tr>
<td>Archbold, J.F.</td>
<td>PLEADING, EVIDENCE AND PRACTICE IN CRIMINAL CASES</td>
<td>35 ed. by T.R. Fitzwalter Butler and M. Garcia</td>
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<tr>
<td></td>
<td></td>
<td>(Sweet and Maxwell, 1962)</td>
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<tr>
<td>Chance, E.W.</td>
<td>PRINCIPLES OF MERCANTILE LAW (2 vols.)</td>
<td>16 ed. by J. Westwood</td>
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<tr>
<td></td>
<td></td>
<td>(Cassell, 1962)</td>
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<tr>
<td>Charlesworth, J.</td>
<td>MERCANTILE LAW</td>
<td>10 ed. by C.M. Schmitthoff and D.A. Sarre</td>
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<td></td>
<td></td>
<td>(Stevens, 1963)</td>
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<td>Charlesworth, J.</td>
<td>COMPANY LAW</td>
<td>7 ed. by T.E. Cain</td>
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<tr>
<td></td>
<td></td>
<td>(1960)</td>
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<tr>
<td></td>
<td></td>
<td>(Stevens, 1960)</td>
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<tr>
<td>Cheshire, G.C.</td>
<td>MODERN LAW OF REAL PROPERTY 9 ed.</td>
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<td>Farrar, H.</td>
<td>ELEMENTS OF COMPANY LAW 8 ed.</td>
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<td>Frank, W.F.</td>
<td>THE GENERAL PRINCIPLES OF ENGLISH LAW 2 ed.</td>
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</table>
Frank, W.F.  
THE LEGAL ASPECTS OF INDUSTRY AND COMMERCE  2 ed.  
(Harrap, 1961)

Geldart, W.M.  
ELEMENTS OF ENGLISH LAW  
6 ed. by Sir W. Holdsworth and H.G. Hanbury  
(Home University Library, 1959)

Goitein, H.  
COMPANY LAW  
(English University Press, 1960)

Gower, L.C.B.  
THE PRINCIPLES OF MODERN COMPANY LAW  2 ed.  
(Stevens, 1957)

Hood Phillips, O.  
FIRST BOOK OF ENGLISH LAW  4 ed.  
(Sweet and Maxwell, 1960)

James, P.S.  
INTRODUCTION TO ENGLISH LAW  5 ed.  
(Butterworth, 1962)

Jenks, E.  
THE BOOK OF ENGLISH LAW  5 ed.  
(John Murray, 1953)

Kiralfy, A.K.R.  
THE ENGLISH LEGAL SYSTEM  3 ed.  
(Sweet and Maxwell, 1960)

Lehman, W.  
PRACTICAL LAW. A COURSE IN EVERYDAY CONTRACTS  
(Doubleday and Co. Inc. New York, 1961)

Light, H.R.  
LEGAL ASPECTS OF BUSINESS  5 ed.  
(Pitman, 1958)
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<td>Maitland, F.W.</td>
<td>FORMS OF ACTION AT COMMON LAW</td>
<td>ed. by Chaytor and Whittaker (C.U.P. 1936)</td>
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<td>Mansfield Cooper, W.</td>
<td>OUTLINES OF INDUSTRIAL LAW</td>
<td>4 ed. by J.C. Wood (1962) (Butterworth, 1962)</td>
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<td>Salmond, Sir J.W.</td>
<td>LAW OF TORTS</td>
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<td>14 ed. by Lord Chorley and O.C. Giles (Pitman, 1960)</td>
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<td>Stevens, T.M.</td>
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<td>13 ed. by J. Montgomerie (Butterworth, 1960)</td>
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Topham, A.F. and A.M.R.  PRINCIPLES OF COMPANY LAW
12 ed. by J. Montgomerie and S.D. Tomkin
(Butterworth, 1955)

Winfield, Sir P.H.  A TEXTBOOK OF THE LAW OF TORT
7 ed. by J.A. Jolowicz and T.E. Lewis
(Sweet and Maxwell, 1963)
BIBLIOGRAPHY

Blackstone, Sir W.  
*Commentaries on the Laws of England*  
(John Murray, A New Ed. by Dr. R.M. Kerr, 1857)

Brodetsky, P.  
"Law as a Liberal Study"  
*Adult Education*  
Vol. xxxii, no. 1, Summer, 1959

Charlesworth, J.  
"The Place of Law in Education for Commerce"  
*Education and Commerce*  
no. 9, October, 1954

Dinsdale, W.A. and McMurdie, D.C.  
*The Part-time Teacher*  
(Stone & Cox, 1961)

Eisenmann, C.  
*Law*  
(published by UNESCO in the series:  
University Teaching in the Social Sciences, 1954)

Gower, L.C.B.  
"English Legal Training"  
*Modern Law Review*  
Vol. 13, no. 2, April, 1950

Hamson, C.J.  
"Academic Teaching and Learning of Law"  
*The Jubilee Lectures of the Faculty of Law, University of Sheffield*  
(Stevens, 1960)

Kinyon, S.  
*How to Study Law and Write Law Examinations*  
Schmitthoff, C.M.  'Law in the National Certificate of Commerce'  
*Education and Commerce*  
no. 3, April, 1953

Tonne, H.A.  *Principles of Business Education*  

Venables, P.F.R.  *Technical Education, Its Aims, Organisation and Future Development*  
(Bell, 1956)

Williams, G.  *Learning the Law*  
(Stevens, 7th Ed., 1963)

**Liberal Education in Technical Colleges**  
Report of a Special Committee on Education for Commerce  
Circular 323  
(Ministry of Education, 1957)

Report of the Advisory Committee on Further Education for Commerce  
(H.M.S.O., 1949)

Report of the Committee on Higher Education  
(H.M.S.O., 1959)

Report of the Law Study Group of the National Association for Education for Commerce  
'Draft Syllabuses in Law'  
*Education and Commerce*  
no. 21, October, 1957  
(H.M.S.O., 1963)

(H.M.S.O., 1963)