

## **YOUR GRADE**

I have graded the work currently at a 2:2. Whilst there are a number of strong points and these will be discussed below, the work is overly descriptive and does not engage in sufficient detail with either the case law or relevant academic commentary. It is imperative that you improve the analysis in the work in order to improve your grade. There are a few issues with referencing, in particular that you do not reference relevant parts of judgements in cases and have a tendency to miss out necessary references.

The above notwithstanding, the work generally reads well, is sensibly structured and shows an understanding of contractual terms and their sources. A solid first draft, well done. As such, if you address all of my comments to a high standard, you will be able to improve this work to a 2:1 standard.

## **OVERVIEW OF YOUR WORK**

As noted above, your work is well structured throughout and this structure helps to guide the reader through the work. With the exception of a few sentences which are unclear or require rewording (more details can be found in comment boxes), the work reads well. You use the wording of the question throughout the work (for example referring to sources of contractual terms or types of terms) and this ensures that the work is focused.

In order to improve your work by a full grade however, you must address the following issues:

- There are missing references throughout the work and although your footnotes and bibliography are correctly formatted using OSCOLA, you have a tendency to miss references out.
- The analysis could be stronger throughout. The work currently reads more as a descriptive overview of contractual terms and their sources, rather than as a critical analysis. Remember that even when you are asked 'what is' something (here you have been asked what is a contractual term and what are the various sources of contractual terms in English law), it is still imperative that you provide critical analysis throughout the work.
- Whilst you have included a very good range of case law, an essay should include a strong range of secondary sources too. You have only included 2 secondary sources in the work which does not show evidence of wide reading. I have included many tips for improving the analysis, in the comment boxes on the work, and you will note that these comments suggest that you include a greater range of secondary sources too.

## **SPELLING AND GRAMMAR**

There are no repeated issues with the spelling or grammar. A few minor points are flagged on the work for your consideration, most notably in terms of ensuring that your tenses agree; in this regard, there is one occasion where you use both the singular and plural within a sentence.

## **REFERENCING**

You have used a very good number of cases in this work, but you really need to demonstrate evidence of reading a variety of secondary sources in order to improve your grade. You will see from the comments on your essay that I have suggested engaging with academic literature and this will not only help you to improve your analysis but also provide this needed evidence of wider reading.

Your footnotes (and bibliography) are formatted correctly in general but when referencing cases, it is essential that (unless you are simply referencing the name) you include the relevant parts of the case. So for example, if you are talking about the rationale of the case, you need the footnote number in the text and then the footnote should read as follows:

*Case Name* Citation Information per Judge X at [paragraph number]

There is more information about where such references are missing in comment boxes on the work.

Additionally, you have a tendency to leave large sections of text unreferenced. Remember, every point you make must be justified by evidence. I have flagged up unreferenced areas of text in comment boxes on the work for your consideration.

### **STRUCTURE AND FLOW**

As I have noted above, the work is well structured. Your introduction not only links directly to the question, ensuring a good focus, but also provides a road map of the work. You use subheadings sensibly throughout the text to guide the reader through the work and have introduced each paragraph well. Your conclusion succinctly draws your points together.

Similarly, in terms of the flow, you make links between ideas within paragraphs and again, this helps to ensure that your ideas link together.

The structure and flow are perhaps the strongest aspect of your work, so very well done here.

### **USE OF LANGUAGE**

There are a few minor points where you have used colloquial language and these are flagged up on the work for you. There are also a few issues with repeated phrasing and again, these are highlighted on the work. In general though, your use of language is good. Well done.

### **PRESENTATION SKILLS**

The work is neatly presented throughout. The footnotes, subheadings and body of the text are all professionally presented. Well done.

### **ADDITIONAL CONTENT SUGGESTIONS**

You will see from my comment boxes on the work and from discussion earlier in this form, that I have noted that your analysis is weak throughout the text. You have a tendency to provide a descriptive overview of cases and points of law, rather than engaging with the material to give a critical discussion. I have provided guidance in the comment boxes for how you could improve this, but you should also find the following instructive:

- Remember that in general, it is the rationale behind the judge's decision which is important in cases, rather than necessarily the facts of the case. Rather than focusing on the facts therefore, read the judgements in full and try to ascertain how a decision was made and its potential future impact on the law. Ask yourself what principle was decided, on what basis and how this links to the question you have been asked.
- In this regard, it will also be beneficial for you to look at how cases have been received in the literature. When you read commentary, try to form a view on that commentary – it is not essential that you agree with the commentator, but you must justify your assertions in relation to their views. Why are they wrong? What do other commentators think? How can you link their arguments to contractual terms and their sources?
- If you address the above, this should also help to improve the depth of your discussion, which in addition to being descriptive, is rather superficial. In this regard, you should if possible try to give more than one example of a case to illustrate a point.