



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW AND THE LEGAL SYSTEM

Monday 6 SEPTEMBER 2004

**0900 – 1200
(Three Hours)**

**Candidates should answer FIVE questions
ONLY**

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Candidates are required to answer FIVE questions ONLY. Wherever relevant, citation of legal authority is expected.

1. (Answer A or B)

A. Critically assess the nature and extent of recent and proposed reforms to the British constitution.

OR

B. 'We make much of living in a parliamentary democracy in the United Kingdom. The truth is that the electoral system is discredited, the House of Commons is emasculated by an all-powerful executive, and the House of Lords has been for the best part of a century ineffective'.

Do you agree?

2. What approaches can be adopted by a court in seeking to interpret an ambiguity in a statutory provision? Are any of these approaches to be preferred in terms of constitutional theory?
3. Why are conventions of the constitution regarded as an important source of constitutional law in the United Kingdom?
4. Explore and explain the roles and responsibilities of the Scottish law officers and the Advocate General for Scotland.
5. Critically evaluate the influence of EU law and of the European Convention on Human Rights upon Scots law.
6. To what extent do you feel that Scots law adequately protects freedom of expression? Do you consider that any reform of restraints on expression is required in light of the Human Rights Act?
7. What part do the doctrines of 'legitimate expectation' and 'proportionality' play in administrative law?
8. Assess the availability and effectiveness of non-judicial redress of administrative grievances in Britain.
9. What reforms will Freedom of Information legislation introduce in 2005? Why was such legislation considered necessary?