



**THE LAW SOCIETY OF SCOTLAND  
EXAMINATIONS**

**PUBLIC LAW AND THE LEGAL SYSTEM**

**Monday 7 AUGUST 2006**

**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. To what extent has membership of the European Union affected the traditional doctrine of parliamentary sovereignty? To what extent is this doctrine further limited by other considerations?
2. Are Scottish courts always bound by the doctrine of precedent? Discuss this issue with reference to both the civil and criminal courts.
3. How important is legal literature as one of the sources of Scots law?
4. 'Recent controversy over the Human Rights Act has arisen out of a situation which was bound to occur sooner or later: political frustration at the exercise of the mandate given by the legislature to the judiciary. But it is wrong to see the statute as a further erosion of the proper responsibilities of the executive and legislature.'  
  
Discuss.
5. Why do we need subordinate legislation? In your opinion, are the devices for scrutinising and controlling its exercise sufficient?
6. Explain the statement that, in the United Kingdom, devolution has been 'asymmetrical'.
7. Does the process for enacting public legislation at Westminster sufficiently ensure that there is proper scrutiny of both the merits and the formulation of Government proposals?
8. Is Scots law on the right of freedom of expression satisfactory?
9. What part do the doctrines of 'legitimate expectation' and 'proportionality' play in administrative law?
10. Assess the availability and effectiveness of non-judicial redress of administrative grievances in Britain.

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