



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW AND THE LEGAL SYSTEM

Monday 7 AUGUST 2007

**0900 – 1200
(Three Hours)**

**Candidates should answer FIVE questions
ONLY**

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PUBLIC LAW AND THE LEGAL SYSTEM

6 AUGUST 2007
(Three hours)

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

1. Critically examine the proposition that the courts merely apply existing precedent. What discretion is available to the judiciary to develop the common law?
2. When is EU law directly applicable or effective in the domestic courts? When can individuals otherwise rely upon EU law?
3. Analyse the doctrine of parliamentary sovereignty as the ultimate rule of the common law. What limitations have the courts admitted to this principle?
4. What is meant by 'the rule of law'?
5. Discuss the constitutional implications for Scottish government following the May 2007 Scottish Parliamentary elections, explaining also the selection of the first Minister and the probable implications for Scotland's relationship with London.
6. Was Tony Blair as a Prime Minister merely *primus inter pares* ? Critically assess the powers of the office and how these were exercised between 1997 and 2007.
7. Assess the extent to which the doctrine of ministerial responsibility renders the executive accountable to the legislature.
8. Explain the manner in which Scottish courts are required to give effect to rights contained in the European Convention on Human Rights.
9. Can it now be said that what is meant by 'fairness' is now sufficiently clearly defined in Scots public law?
10. Discuss and illustrate what is meant by 'proportionality' and 'legitimate expectation' in administrative law.

END