



**THE LAW SOCIETY  
of SCOTLAND**  
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**THE LAW SOCIETY OF SCOTLAND  
EXAMINATIONS**

**PUBLIC LAW AND THE LEGAL SYSTEM**

**Monday 7 MAY 2007**

**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. Briefly describe and comment upon the relative importance of the sources of Scots law.
2. How does the UK's membership of the European Union affect the traditional doctrine of the Sovereignty of Parliament?
3. Discuss the arguments for and against reform of the system for the appointment of judges in Scotland.
4. How effective, in your opinion, have the judges been in upholding human rights? Does the Human Rights Act give the judiciary too much constitutional authority?
5. Explain and evaluate (a) the method of elections for the Scottish Parliament and (b) the manner in which a First Minister is selected and appointed with specific reference to the Scottish Parliamentary election in May 2007.
6. Critically examine the role played by constitutional conventions in the United Kingdom. What advantages could there be in introducing a new written constitution?
7. How effective is the doctrine of ministerial responsibility in holding ministers to account to Parliament for the exercise of their powers?
8. To what extent does the Scotland Act 1998 provide a written constitution for the operation of devolved government within Scotland?
9. Write a case-note on any two of the following cases:
  - a. *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374, HL
  - b. *Adams v Scottish Ministers* 2004 SC 665, CS (IH)

c. *Begum v Tower Hamlets LBC* [2003] 2 AC 430, HL

d. *West v Secretary of State for Scotland* 1992 SC 385, CS (IH).

10. To what extent can the Parliamentary Ombudsman (the Parliamentary Commissioner for Administration) provide redress for a citizen aggrieved by governmental action?