



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW AND THE LEGAL SYSTEM

Monday 5 MAY 2008

**0900 – 1200
(Three Hours)**

**Candidates should answer FIVE questions
ONLY**

THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS
PUBLIC LAW AND THE LEGAL SYSTEM

5 MAY 2008

(Three hours)

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

1. Outline the principal sources of Scots law, providing an explanation of their relative importance today.
2. Explain the choice of approaches judges may adopt in interpreting statutory provisions. To what extent has the Human Rights Act 1998 given the courts much greater leeway in modifying what may have been the intention of the legislature at the time of enactment of legislation?
3. What responsibilities do the Law Officers of the Crown exercise in respect of public prosecution in Scotland? Can these responsibilities be exercised in a manner which guarantees protection from inappropriate pressure or influence?
4. Critically evaluate the proposals of HM Government for further reform of constitutional arrangements in the *Governance of Britain* Green Paper and in the recent *Constitutional Renewal Bill*.
5. What problems in the governance in Scotland did the establishment of the Scottish Parliament seek to address? Why is it now considered that further change (short of independence) may be desirable in respect of the powers of the Scottish Parliament?
6. Has the constitutional relationship between the Prime Minister and Cabinet now irreversibly altered so that the Prime Minister is inevitably no longer *primus inter pares*?
7. How effective are the devices available to Parliament to scrutinise the Executive? Does party discipline in any event fatally undermine their potential utility?
8. What part does non-judicial redress of administrative grievances play in administrative law and practice in the United Kingdom?

9. Outline Scots law on standing to seek judicial review. What purposes do such rules serve?
10. Can it now be said that the doctrine of 'proportionality' has displaced *Wednesbury* 'reasonableness' in judicial review?

END