



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW AND THE LEGAL SYSTEM

Monday 2 FEBRUARY 2009

**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. How should a court go about the task of interpreting a statutory ambiguity in a legislative provision?
2. Critically assess the comparative importance of European law as a source of Scots law.
3. What is meant by the assertion that a precedent is 'binding'? How may a court seek to avoid applying such a precedent when it is convinced that the legal rule or principle is now inappropriate?
4. Explain and evaluate the different voting systems now applying in Scotland in respect of European, Westminster, Holyrood and local elections.
5. To what extent is the Prime Minister still *primus inter pares*? Have we now seen the end of Cabinet Government?
6. Does the House of Lords need further reform, or have we now achieved as best a solution to the 'problem' of the Upper House as we can reasonably expect?
7. To what extent does Scots law recognise the right to free expression?
8. Explore the extent to which the courts may restrain illegality of irrationality in the exercise of powers vested in public authorities.

9. What problems have been posed to well-established principles of public law and practice by the creation of agencies for the discharge of governmental functions, rather than by entrusting these responsibilities to central government departments?

10. Critically assess the rationale for and impact of reforms in the system of administrative tribunals.

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