

Legal System & Legal Method

Monday 13th May 2024

9.30am to 11.00am

All candidates must answer THREE questions.

Common law qualified candidates can answer ANY three questions out of four.

Non-common law qualified candidates can answer any TWO questions from question one to question three and **MUST** answer question FOUR which is compulsory.

All questions are marked out of 100 and are weighted equally.

Question 1

“The pendulum has swung towards purposive methods of construction.”

R (Quintavalle) v Secretary of State for Health [2003] 2 AC 687 (HL), per Lord Stein at para 21.

Explain the concept of purposive construction of legislation and discuss whether or not you agree with Lord Stein that the pendulum has swung to that approach.

Question 2

Explain the role played by the Court of Session in relation to civil justice in Scotland. Your answer should take account of reforms introduced by the Courts Reform (Scotland) Act 2014.

Question 3

Explain the main ways in which practising as an advocate is distinguishable from practising as a solicitor.

Question 4

Explain the meaning and significance of the concepts of ratio decidendi and obiter dicta.

END OF PAPER