

Legal System & Legal Method

Monday 4 November 2025

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.

Where a question is subdivided each subdivision is weighted equally.

Question 1

In relation to statutory interpretation Lord Carloway has endorsed the view that words should normally bear their ordinary meaning but that “[w]here there is an apparent ambiguity in the wording...reference can be had to certain internal or external aids.”

MacMillan v T Leith Developments 2017 SC 642 per Lord President (Carloway) at [54].

Explain the use of internal and external aids to support the process of statutory interpretation.

Question 2

Explain the main effects of the Courts Reform (Scotland) Act 2014 on the Court of Session’s first instance and appellate functions.

Question 3

- a) Compare the main functions of the Lord Advocate and the Advocate General for Scotland.
- b) Explain the main functions of the Judicial Appointments Board for Scotland.

Question 4

In relation to the doctrine of precedent explain:

- a) The concept of obiter dicta.
- b) Decisions that the Sheriff Appeal Court must follow.
- c) The main circumstances in which a Scottish court will be influenced by a decision in an English case.

END OF PAPER