LAW SOCIETY OF SCOTLAND
EXAMINATIONS

PUBLIC LAW

Thursday 15 February 2024

0900 – 1200
(Three hours)

Candidates should answer THREE questions ONLY

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

Question 1

The doctrine of parliamentary sovereignty as propounded by AV Dicey has been denounced by critics as either dead or dying'. Critically discuss the veracity of such claims.

Question 2

It has been suggested that the incorporation of the European Convention on Human Rights and Fundamental Freedoms into domestic law has resulted in "mission creep" – that is, expanding the meaning of rights in the Convention beyond what was originally intended.

Critically discuss the veracity of this claim with specific reference to appropriate legal authority.

Question 3

Outline and evaluate the effectiveness of the provisions contained within the Scotland Act 1998 which ensure that the Scottish Parliament legislates within its proper spheres of competency.

Question 4

(a) Evaluate the changes in the composition and powers of the House of Lords as a result of the enactment of the following statutes:

i. Parliament Act 1911
ii. Parliament Act 1949
iii. House of Lords Act 1999
iv. House of Lords Act 2014

(b)What further changes to the composition, powers and functions of the second chamber of the UK Parliament are necessary in your view?

Question 5

(a) Outline and discuss the main grounds of challenge under which a petition for judicial review may be raised in Scotland.

(b) Consider the remedies for the groups who use judicial review in Scotland. Is it an effective means of redress for litigants?

Question 6

"The citizen should be presented with a single, overarching structure, giving access to all tribunals, in effect a unified appeal system."

With reference to the above statement critically discuss the extent to which the Tribunals (Scotland) Act 2014 has adequately addressed the deficiencies within the tribunal system in Scotland.

END OF QUESTION PAPER