



Public Law

Wednesday 15th May 2024

9.30am to 11.00am

Candidates are required to answer TWO out of four questions.

Question 1

- a) Outline and explain the importance of the separation of powers as a key constitutional doctrine.
- b) Critically analyse to what extent this constitutional doctrine is observed in the United Kingdom.

Question 2

"...the parliament is a body which – however important its role – has been created by statute and derives its power from statute. As such, it is a body which, like any other statutory body, must work within the scope of these powers. If it does not do so, then in appropriate case, the court may be asked to intervene and will require to do so, in a manner permitted by the legislation."

Lord President Rodger in *Whaley v Lord Watson of Invergowrie* 2000 SLT 475

Critically discuss the above statement in relation to the procedures contained in the Scotland Act 1998 which attempt to ensure that the Scottish Parliament legislates within its spheres of competence.

Question 3

Critically discuss the extent to which the margin of appreciation undermines the universal nature of human rights within the United Kingdom.

Question 4

- a) Critically discuss the extent to which the Parliamentary and Health Service Ombudsman provides an effective alternative to judicial means of redress?
- b) With reference to recent developments, discuss how the system might be improved.

END OF PAPER