

Public Law

Thursday 20 February 2025

09.00 - 12.00

(three hours)

Candidates should answer **THREE** questions **ONLY**.

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Wherever relevant, citation of legal authority is expected.

Question 1

“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 within the context of the legislative competence of the Scottish Parliament.

Question 2

“Parliament has also, for the time being at least, limited its own powers ... by the Human Rights Act 1998. It is possible that other qualifications may emerge in due course. In general, however, the constraints upon what Parliament can do are political and diplomatic rather than constitutional.”

Baroness Hale in (R)Jackson v Attorney General [2005] UKHL 56

Critically discuss this statement with reference to the doctrine of the sovereignty of the United Kingdom Parliament.

Question 3

Discuss the extent to which the Courts Reform (Scotland) Act 2014 has facilitated meaningful change in relation to the traditional rules of title and interest to sue in Scotland.

Question 4

- a) Outline the role, functions, and powers of The House of Lords Appointments Commission.
- b) What further reform could be made to the system of appointments to improve transparency and accountability in the House of Lords?

Question 5

To what extent has the incorporation of the European Convention on Human Rights provided a constitutional guarantee of fundamental rights and freedoms in the United Kingdom?

Question 6

Discuss the extent to which proportionality has now replaced traditional unreasonableness or irrationality as a substantive ground of challenge in judicial review.

END OF PAPER