

Public Law

Thursday 25 July 2024

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 doctrine of the sovereignty of the United Kingdom Parliament has been described by Jowell and Oliver as all form and no substance. Discuss the extent to which the doctrine has been eroded both by case law and by statute.

Question 2

Critically discuss the arguments for and against a written constitution for the United Kingdom and consider to what extent the Scotland Act 1998 provides the basis of a written constitution for Scotland.

Question 3

“The Scottish Parliament is not independent. It is not free to make laws in any area which it chooses”. McFadden & Lazarowicz, *The Scottish Parliament: An Introduction*

Discuss this statement with reference to the procedures which are contained in the Scotland Act 1998 to ensure that the Scottish Parliament legislates within its proper spheres of competence.

Question 4

“Though the Human Rights Act 1998 has been a success, there is clear room for a coherent package of reforms.” *The Independent Human Rights Act Review 2021*

With reference to the above statement critically discuss how the Human Rights Act 1998 could be reformed to greater facilitate access to justice for litigants.

Question 5

Public interest litigation in Scotland remains relatively rare and it is seldom a tool which non-governmental organisations utilise to achieve their objectives.

Within this context, critically discuss the extent to which legal barriers to public interest litigation in Scotland have been lowered to an acceptable height.

Question 6

To what extent do you consider that the system of Parliamentary Ombudsmen in the United Kingdom provides an effective alternative to judicial means of redress? With reference to current developments, discuss how the system might be improved.

END OF PAPER