Public Law

Monday 14 May 2012: 10.00 – 13.15

Candidates will have fifteen minutes during which they may read the paper and make rough notes ONLY in their answer books. They then have the remaining THREE HOURS in which to answer the questions.

Candidates should answer FOUR of the following EIGHT questions.

Candidates should answer all parts of a question unless otherwise stated.
1. ‘Although the case for reforming particular aspects of the United Kingdom constitution is strong, the radical reform that would be signalled by the adoption of a codified constitution is both unnecessary and unjustifiable.’

Discuss.

2. ‘I think that the day will come when it will be more widely recognised that [Wednesbury] was an unfortunately retrogressive decision in English administrative law, insofar as it suggested that there are degrees of unreasonableness and that only a very extreme degree can bring an administrative decision within the legitimate scope of judicial invalidation’ (per Lord Cooke in R v Secretary of State for the Home Department, ex parte Daly (2001)).

Discuss.

3. How are constitutional conventions recognised and enforced in the United Kingdom system of government?

4. Critically assess the constitutional implications of a fully-elected House of Lords.

5. Explain the constitutional significance of R v Secretary of State for Transport, ex p Factortame (1991) to the legal relationship between the United Kingdom and the European Union.

6. Discuss whether the existing method of electing members of the House of Commons should be replaced by a system of proportional representation.

7. Explain the doctrine of the separation of powers. To what extent does the United Kingdom system of government reflect the doctrine in practice?

8. Discuss whether the Human Rights Act succeeded in doing what it was designed to do.

END OF PAPER