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. ‘In order to carry out these public duties without fear or favour, Parliament and its members and officers need certain privileges and immunities.’

Explain and evaluate this statement.

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

5. ‘The courts should make greater use of section 4 of the Human Rights Act 1998, rather than section 3, as the declaration of incompatibility encourages a dialogue between the courts, the executive and the legislature that preserves the doctrine of Parliamentary sovereignty.’

Critically assess this statement.

6. Discuss whether it is possible or desirable to codify the Royal Prerogative.

7. ‘The doctrine of parliamentary sovereignty and membership of the European Union are fundamentally incompatible.’

Discuss.
8. Discuss whether the doctrine of the rule of law has a sufficiently certain meaning to be a useful guiding principle of United Kingdom constitutional law.

END OF PAPER