



**THE LAW SOCIETY OF SCOTLAND  
EXAMINATIONS**

**PUBLIC LAW**

**Thursday 10 August 2017**

**0900 – 1100  
(Two Hours)**

**Candidates should answer FOUR questions ONLY**

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**Question 1**

The *Miller* case has been described as 'the most important constitutional case of the century'.

Do you agree?

**Question 2**

In a speech at Lancaster House on 17 January 2017, the Prime Minister declared that:

'Leaving the European Union will mean that our laws will be made in Westminster, Edinburgh, Cardiff and Belfast. And those laws will be interpreted by judges not in Luxembourg but in courts across this country. Because we will not have truly left the European Union if we are not in control of our own laws.'

Explain the constitutional background to and comment on the significance of this statement.

**Question 3**

In a joint statement issued after the publication of the European Union (Withdrawal) Bill, First Minister of Scotland Nicola Sturgeon and First Minister of Wales Carwyn Jones said that the Scottish and Welsh Governments could not recommend that consent be given to the Bill as it currently stands.

Can Scotland and Wales block the Bill?

**Question 4**

'The Scottish Parliament is a Parliament of bounded competence.' Identify THREE limits on the Parliament's legislative competence? How are those limits enforced?

**Question 5**

The Human Rights Act 1998 is sometimes said to incorporate a 'weak' as opposed to a 'strong' form of judicial review of Acts of Parliament. What do you understand by 'weak form' judicial review, and what justification might be offered for its adoption?

**Question 6**

What are the main features of the legislative process in the Scottish Parliament? Does the process represent an improvement on the process at Westminster?

**Question 7**

The priority for Parliament is holding the Scottish Government to account.' By what means does the Parliament seek to hold the Scottish Government to account? How effective is it doing so?

**Question 8**

'Judicial Review is a critical check on the power of the State, providing an effective mechanism for challenging the decisions of public bodies to ensure that they are lawful.'

Explain and discuss.

**END OF QUESTION PAPER**