



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW

Thursday 9 August 2018

**0900 – 1100
(Two Hours)**

Candidates should answer THREE questions ONLY

**LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW

**9 August 2018
(Two hours)**

Candidates are required to answer THREE questions ONLY. Wherever relevant, citation of legal authority is expected.

Question 1

In May the Scottish Parliament withheld its consent to the European Union (Withdrawal) Bill. The UK Parliament subsequently enacted the Bill with the provisions from which the Scottish Parliament had withheld its consent intact.

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

Question 2

When ministers are said to be 'collectively responsible' what is meant? How important a part of our constitutional arrangements is the doctrine of collective ministerial responsibility?

Question 3

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 4

In what ways does the Human Rights Act 1998 give 'further effect' to the European Convention on Human Rights in UK domestic law?

Question 5

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

[Please turn over]

Question 6

'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