THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

PUBLIC LAW

11 May 2022

0830 – 1000
(90 minutes)

Candidates are required to answer TWO out of four questions.
Question 1

Section 1(a) of the Constitutional Reform Act 2005 section 1(a) provides as follows: ‘This Act does not adversely affect the existing constitutional principle of the rule of law’. What do you understand by the principle of the rule of law and how is it secured in the United Kingdom? Is the protection afforded the principle in your view sufficient?

Question 2

In the *Miller* case the UK Supreme Court said that Brexit would involve as ‘fundamental’ a change in the United Kingdom’s constitutional arrangements as joining the European Community in 1973. What has that change involved?

Question 3

The UK government is proposing replacing the Human Rights Act 1998 with a British Bill of Rights. What might the Act’s replacement involve and how persuaded are you of the case for doing so? In your answer to the question concentrate on possible changes to sections 2 to 4 of the Human Rights Act.

Question 4

‘The Scottish Parliament is a Parliament of bounded competence.’ How does it differ from the UK Parliament in this respect? What light does the UK Supreme Court’s decisions in the *Scottish Continuity Bill* case [2018] UKSC 64 and the UNCHR *Incorporation Bill* case [2021] UKSC 42 shed on our understanding of its competence?

END OF QUESTION PAPER