

THIS PAPER IS NOT TO BE REMOVED FROM THE EXAMINATION HALLS

UNIVERSITY OF LONDON

265 0020 ZA

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DIPLOMA IN LAW
LLB EXAMINATION
for External Students

INTERMEDIATE EXAMINATION (Scheme A)
FIRST AND SECOND YEAR EXAMINATIONS (Scheme B)
GRADUATE ENTRY LEVEL I (Route A)
GRADUATE ENTRY FIRST YEAR (Route B)

BSc DEGREES
for External Students

MANAGEMENT WITH LAW, LAW WITH MANAGEMENT, ACCOUNTING
WITH LAW AND LAW WITH ACCOUNTING FOR STUDENTS IN THE
EXTERNAL PROGRAMME

Public Law

Friday 15 May 2009 : 10.00 - 1.15 pm

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.

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1. 'Under the United Kingdom's constitution, constitutional conventions play a key role in maintaining flexibility. Their lack of clear definition and uncertain application, however, make reform essential.'

Discuss. What, if anything, is your preferred option for reform?

2. 'Parliamentary privilege protects Parliament from outside interference. Abuse of privilege in recent years suggests that Parliament should now be regulated by an independent outside body.'

Do you agree? What potential problems would arise from such a reform?

3. Discuss the nature and importance of the doctrine of separation of powers, making reference to the constitutional arrangements of the United Kingdom.
4. Assess the adequacy of procedures available to backbench Members of the House of Commons to scrutinise the actions of government.
5. 'The transfer by the States from their domestic legal system to the Community legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail.' (*Costa v ENEL* (1964), European Court of Justice)

Discuss, with reference to the case law of the United Kingdom courts.

6. 'Having such limited powers, the House of Lords is unable to make a significant contribution to the legislative process.'

Critically assess this statement.

7. With reference to case law, critically assess the view that, since the enactment of the Human Rights Act 1998, the judiciary has assumed more power than Parliament intended.
8. Compare and contrast, with reference to case law, the concepts of 'reasonableness' and 'proportionality' in administrative law.

END OF PAPER