



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

PUBLIC LAW

Thursday 15 August 2019

**0900 – 1100
(Two Hours)**

Candidates should answer THREE questions ONLY

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Question 1

The UK constitution is uncodified. Assess the case for codification.

Question 2

In May 2018 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 3

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

Question 4

'Holding the executive government accountable has become the dominant function of all modern legislatures.'

By what means does the Scottish Parliament seek to hold executive government accountable and how effective is it in doing so?

Question 5

'Judicial review is available, not to provide machinery for an appeal, but to ensure that the decision maker does not exceed or abuse his powers or fail to perform a duty which has been delegated or entrusted to him.' (Lord Hope)

What are the principal differences between judicial review and an appeal? Describe TWO ways in which a decision maker may abuse its powers.

Question 6

The ombudsman has been described as 'one of the most important constitutional innovations of the late twentieth century'.

What part does ombudsman play in the redress of individual grievances against government in Scotland?

END OF QUESTION PAPER