

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

LL.B.

LL.B. Intermediate: Public Law

COURSE CODE : LAWSINT3
DATE : 13-MAY-02
TIME : 14.30
TIME ALLOWED : **2 hours 30 minutes**

02-N0191-3-200

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TURN OVER

PUBLIC LAW

Answer **THREE** questions.

1. What is the relationship between the principle of legality and the rule of law?
2. "The paradox of modern government is that as ministers have become less and less responsible or accountable, public service providers have become more and more so, but in different ways."

Explain and discuss this view.

3. "Whatever limitation of its sovereignty Parliament accepted when it enacted the European Communities Act 1972 was entirely voluntary. Under the terms of the Act of 1972 it has always been clear that it was the duty of a United Kingdom court, when delivering final judgment, to override any rule of national law found to be in conflict with any directly enforceable rule of Community law." (Lord Bridge in *R v Secretary of State for Transport ex p. Factortame Ltd (No. 2)* 1991)

Do you agree with this statement? What are its implications for the doctrine of parliamentary sovereignty?

4. "It is inevitable that it is difficult to develop clear and certain legal rules for identifying the line between public law and private law. But section 6 of the Human Rights Act 1998 pointlessly complicates the position."

Critically evaluate this statement with particular reference to the case law regarding amenability to judicial review.

5. "The courts have elevated the notion of the legitimate expectation into an excuse to interfere with the substance of official decisions. The realm of the legitimate expectation should be confined to procedural justice alone because public authorities ought to be left free to change their minds."

Discuss.

6. Henry is a chicken farmer. He is upset at two recent decisions. The first concerns the refusal of the police to control demonstrations outside his farm gate more than one day every fortnight. The demonstrations, which take place one or two days per week, are organised by the Free Range Society (FRS), who object to the fact that Henry's chickens are intensively reared.

The second decision concerns Henry's application to convert one of his barns to a three-bedroom house. Eggsmoor Council, the local planning authority, is insisting upon imposing a condition to the effect that the house be occupied exclusively by members of the local community.

Advise Henry of the lawfulness of the decisions of the police and the Eggsmoor Council.

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