

**UNIVERSITY COLLEGE LONDON**

University of London

**EXAMINATION FOR INTERNAL STUDENTS**

For The Following Qualification:–

*LL.B.*

**LL.B. Intermediate: Public Law**

COURSE CODE : **LAWSINT3**

DATE : **06-MAY-04**

TIME : **10.00**

TIME ALLOWED : **2 Hours 30 Minutes**

## PUBLIC LAW

Answer **THREE** questions.

1. What, if any, are the implications of the Human Rights Act 1998 for the concept of the rule of law in the United Kingdom?
2. What steps have the UK courts taken to protect a person's right to respect for their private and family life, their home and correspondence, under Article 8 of the European Convention of Fundamental Rights? Should these rights have direct horizontal effect?
3. 'The doctrine of supremacy of EC law, established by the European Court of Justice, has been applied only reluctantly by the UK courts'.

Explain and discuss this view.

4. Birt, a former soldier, was informed in 2001 by Candid Council that he could remain in "Vet's House", a home for veteran soldiers owned by the Council, for "as long as you wish to stay".

In 2003, the Council passed a resolution which stated that they would henceforth give priority to the housing of asylum seekers.

In 2004 the Council decided to evict all the occupants of Vet's House and to replace them with asylum seekers.

Birt is upset. He is destitute and has nowhere else to go. He believes that he has a "contract" with the Council to remain in Vet's House. He complains that he was not consulted on the matter and has been told by a friend that the Council has no power to house the asylum seekers in Vet's House.

Advise Birt.

**TURN OVER**

5. *‘Wednesbury* unreasonableness is dead and has been replaced by a common law notion of constitutional rights and proportionality. Under these doctrines the courts need no longer defer to Parliament or the Executive.’

Discuss.

6. The Directors of Dos Santos are preparing the development of genetically modified food. They are concerned about two matters:

First, although the government has not yet decided its policy on that issue, Ruralside Council have decided that they will boycott all Dos Santos products from next month.

Secondly, the matter has provoked demonstrations outside the Dos Santos offices in Ruralside. Access to and from the offices are impeded but the police are only willing to offer protection two days every fortnight.

Advise Dos Santos on both those matters.

**END OF PAPER**