

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications:-

LL.B.

LL.B. Intermediate: Public Law

COURSE CODE : LAWSINT3R

DATE : 28-Aug-03

TIME : 10.00

TIME ALLOWED : 2 hours 30 minutes

03-N27-4-30

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TURN OVER

PUBLIC LAW

Answer **THREE** questions.

1. Loughlin has suggested in *Sword and Scales* that law is the continuation of politics by other means. Explain and discuss this view.
2. 'The right to privacy as recognised under the Human Rights Act 1998 is significantly qualified by other interests, such as freedom of expression, the commercial interests of the media, and the prurient interest of the public in the private lives of celebrities. Only in cases where fundamental interests such as life and human dignity are at stake will the Courts provide the full protection of the right to privacy.'

Discuss, with reference to relevant cases.

3. Evaluate the doctrines which have been established by the European Court of Justice to define the relationship between EC law and the Member States' legal orders.
4. James applied to a number of universities for admission to read law. He wrote to the universities before applying, asking for assurances that if he deferred commencing his course in order to have a gap year he would not be liable to substantially higher fees than the current level. The universities concerned all replied they had no present intention of raising fees beyond the current level. One university, the College of Raised Hopes, wrote to James stating that if he came to CRH, the College would not charge him any higher fees, no matter what the government's policy may be. James applied to CRH and accepted their offer of a place to read law.

The following year the government decided that it could no longer afford to provide university education at the current low fee level. Accordingly, it informed the universities that they were free to determine their own fee levels. CRH informed James, who was about to commence his course, having spent a gap year abroad, that he would now be liable to pay £10, 000 per annum in tuition fees. All the other universities have also raised their fees to similar or higher levels.

Advise James of his chances of success if he applies for judicial review.

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5. What standard of review is applied to the acts of public authorities challenged under the Human Rights Act? To what extent does this standard vary from other tests to determine whether a public authority has acted in an irrational manner?

6. Gabe is in his final year at Lucifer's School. Lucifer's is an independent, fee-paying school which has charitable status. Gabe is caught cheating in his A-level Ethics exam. He is expelled on the spot by the headmaster, Mr Raphael. Gabe does not care about the decision, but his parents are furious.

Advise Gabe and his parents about their chances of succeeding in a claim for judicial review of the headmaster's decision to expel Gabe.

END OF PAPER