

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

LL.B.

LL.B. Intermediate: Public Law I

COURSE CODE : LAWS1003

DATE : 08-MAY-06

TIME : 10.00

TIME ALLOWED : 2 Hours 30 Minutes

PUBLIC LAW I

Answer **THREE** questions

1. "In a democracy citizens should be subject to the law, not to the whim of the ruler. Government under law is essential."

Explain this principle. To what extent is it reflected in the UK constitution?

2. "The legislative process in Parliament is not a sufficiently strong safeguard against unconstitutional bills being passed. Thus it is legitimate for the courts to impose constitutional principles when interpreting statutes".

Explain and discuss this view.

3. "I find it difficult to say that a statute of 1870 must be interpreted in the light of a 1991 directive. If the former is in conflict with the latter, it is not for the judges to strain language but for Governments to introduce new legislation." (Lord Slynn, *Introducing a New Legal Order*, 1992.)

Does this quotation cast any light on the interaction between the doctrines of supremacy and direct effect in European Community law?

4. How effectively does European Community law protect fundamental rights?

5. "The rule of law is a vague concept in the realm of political rhetoric rather than constitutional law. It is sometimes used by judges to prevent the abuse of official discretion. However, Parliament can override the rule of law any time it pleases."

Discuss.

6. "The judicial exercise of the exclusionary discretion conferred by Section 78 of the Police and Criminal Evidence Act 1984 has far exceeded the expectations of its drafters in securing the due process model of crime control and ensuring compliance with legality in the exercise of police powers of detention and questioning of suspects."

Explain and discuss.

END OF PAPER