

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

LL.B.

Public Law II

COURSE CODE : LAWS2005

DATE : 12-MAY-06

TIME : 10.00

TIME ALLOWED : 2 Hours 30 Minutes

PUBLIC LAW II

Answer **THREE** questions.

1. “The Human Rights Act 1998 fails to give adequate protection in English law to the right to equal treatment.”

Discuss with reference to case law.

2. Abdul is a British citizen, a Muslim, and a law student in a leading London university. He has established a discussion group that is open to all students but which focuses on debating issues related to the situation in the Middle East and the place of Islam in modern European society. Over the last two months, discussions in the group have become very heated. Several of Abdul’s classmates who also attend the meetings have expressed very strong views to the effect that attacks on British soldiers in Iraq are justified and the acts of suicide bombers have to be “understood”.

Two months ago, the Anti-Terrorism Act 2006 was passed, which gives the Home Secretary the power to prohibit “any meeting or gathering where acts of terrorism are glorified”. The Act also makes it a criminal offence to express views that “glorify terrorist acts”. Abdul has just learnt that his discussion group has been placed upon a list of “prohibited gatherings” that the Home Secretary has issued. Abdul is also concerned that criminal charges may be brought against him and his friends for their discussions, and that his university may expel them for their views.

Advise Abdul.

3. “The Human Rights Act 1998 attempts to reconcile parliamentary sovereignty with judicial protection of human rights: however, in reality, it is an uncertain and unsatisfactory constitutional compromise that does not adequately protect the international human rights standards that the UK has committed itself to respect and uphold.”

Discuss.

TURN OVER

4. “The *Wednesbury* doctrine was a child of its time. Nowadays judicial review is far more intrusive and the judges can no longer pretend that they do not engage in merits review. This applies both under the Human Rights Act and under purely ‘domestic’ administrative law.”

Discuss with reference to case law.

5. Denshire Council has been under pressure in respect of two matters:

First, there has recently been a large influx of second home owners into the area, buying derelict farm buildings and converting them into holiday homes. Local people are finding it difficult to buy homes and many of the new owners only reside in the area for brief periods in the summer.

Secondly, the government and various charities are pressing the Council to provide accommodation for asylum seekers.

The Council met to consider both issues and was split on both of them. After a long debate a compromise was struck. It was decided to issue a policy guidance note that in future only local people will be granted permission for conversions of buildings in the area, although exceptions could be made for charities seeking to provide temporary housing for asylum-seekers in the area.

John Sharp had been holidaying in the area for many years. Last year he finally found the money to buy an old barn. Before buying it he was assured by the Council planning officer that “permission is routinely granted for these improvements”.

Earlier this year John was refused permission on the ground that he was “not a local resident and it is our policy only to permit conversions for locals only or, exceptionally, for persons who have recently been granted asylum in the UK.”

Advise John on the lawfulness of this refusal of planning permission, with full reference to any relevant case law.

CONTINUED

6. Answer **EITHER (a) or (b)**:

- (a) “We call on judges not to chair public inquiries for two reasons. First, their participation allows the government to assure the public that the matter is being resolved impartially. In reality, however, the judges are being used to resolve political controversies. Secondly, their independence has been compromised under the new Inquiries Act, 2005.”

Discuss with examples.

OR

- (b) “The courts have made little progress in requiring reasons to be given for all public decisions. This is unfortunate, as the arguments for providing reasons are much stronger than the arguments against.”

Discuss with examples from the case law.

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