Module Title: Introduction to Public Law
Level: Four
Time Allowed: Two hours

Instructions to students:

- Enter your student number not your name on all answer books.
- Answer three questions: you must answer one question from Section A and two questions from Section B.
- All questions are equally weighted.
- Answer each question in a separate book.
- All questions should be answered with reference to decided cases and other relevant authorities.

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Section A

Answer one question from this section.

1. “Under the European Communities Act 1972, United Kingdom courts have...acknowledged that European law requires them to treat domestic statutes, whether passed before or after the 1972 Act, as invalid if and to the extent that they cannot be interpreted consistently with European law.” (R (HS2 Action Alliance Limited) v The Secretary of State for Transport and others [2014] UKSC 3 [206])

Discuss the accuracy or otherwise of this viewpoint.

2. Consider the following hypothetical situation:

In 2015, as part of the newly elected government’s commitment to increasing the number of female managers of football teams, the government enacts through Parliament the Women in Football Act (WIFA) 2015.

WIFA 2015 in section 1 states that from 2015 onwards a female candidate will always be appointed in priority over a male candidate when a vacancy for a manager arises at a football club. (This is called the ‘priority appointment right’.) WIFA 2015 in section 2, states that WIFA provides the law governing the appointment of all managers of football teams for the next ten years. Section 2 additionally states that if, at any point in time after ten years have passed, legislation is to be enacted to alter this ‘priority appointment right’, such legislation “can only be passed with the consent of the Gender Promotion Council.”

In 2019, the newly elected government proposes to remove the ‘priority appointment right’ created by WIFA 2015. The government introduces the Men Only Managers Bill (MOMB) to Parliament to remove this ‘priority appointment right’. During the passage of MOMB through Parliament, the Minister for Sport explains to Parliament that “many football clubs have complained about the standard of the female managers that they have had to appoint as a result of WIFA 2015” so that WIFA needs to be reformed. No attempt is made to obtain the consent of the Gender Promotion Council to MOMB. MOMB is duly enacted by Parliament as the Men Only Managers Act (MOMA) 2019. A few months later it is revealed to Parliament that in fact no football clubs had actually complained about their newly appointed female managers.

Jose, a member of the Gender Promotion Council, seeks your advice on the legality of MOMA 2019.

End of Section A

Section B follows overleaf
Section B

Answer two questions from this section.

3. Discuss the extent to which Montesquieu’s concept of separation of powers applies today in the United Kingdom’s constitution.

4. ‘Unenforceable by the courts but not unimportant in the United Kingdom’s constitution’

To what extent is this an accurate statement regarding constitutional conventions in the United Kingdom’s constitution?

5. To what extent is reform of the Human Rights Act 1998 needed to ensure a better system for the protection of human rights in the United Kingdom?

6. “The European Parliament has been said to represent ‘the principal form of democratic, political accountability in the Community system’” (AW Bradley, KD Ewing & CJS Knight, Constitutional and Administrative Law (16th ed Pearson 2014) 116)

Discuss the accuracy or otherwise of the above statement.

End of Section B
End of Paper