Summer Examinations 2016

LAW100616N

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: one from Section A and two from Section B.
• All questions are equally weighted.
• Begin each question in a separate answer book; label each answer book clearly with the number of the question you are answering.
• 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. ‘Even in relation to European Union law, the will of the United Kingdom Parliament is still supreme.’

   Discuss the accuracy or otherwise of this statement.

2. Consider the following hypothetical situation:

   In January 2016, as part of the newly elected government’s commitment to increasing the number of students studying at university, the government enacts through Parliament the Removal of Student Fees Act (RSFA) 2016.

   Section 1 of this Act states that from the start of the academic year 2016, there will be no student fees payable to attend university.

   Section 2 provides that any legislation enacted to reintroduce student fees “can only be passed with the consent of the National Union of Students.”

   In January 2018, the government decides to reintroduce student fees to attend university, starting from the academic year 2019. The government introduces the Student Fees Bill (SFB) to Parliament. This Bill is duly enacted by Parliament as the Student Fees Act (SFA) 2018. No attempt is made to obtain the consent of the National Union of Students to this Bill, even though the Minister of State for Universities and Science informs Parliament, during the passage of the Bill, that the National Union of Students has been consulted and has consented to the Bill being enacted.

   Leila, a member of the National Union of Students seeks your advice on the legality of SFA 2018.
Section B

Answer two questions from this section.

3. “Our constitution has, however, never embraced a rigid doctrine of separation of powers. The relationship between the legislature and the executive is close. On the other hand, the separation of powers between the judiciary and the legislative and executive branches of government is a strong principle of our system of government…..” (R (Anderson) v Secretary of State for the Home Department [2002] UKHL 46 [39] (Steyn LJ))

To what extent do you agree with the accuracy or otherwise of the above quote?

4. Critically discuss the role and importance of constitutional conventions in the United Kingdom constitution today.

5. ‘The Human Rights Act 1998 has transferred the responsibility for the protection of human rights in the United Kingdom from the United Kingdom’s courts and Parliament to the European Court of Human Rights in Strasbourg.’

Discuss the accuracy or otherwise of the above viewpoint.


In relation to the European Parliament, to what extent is the above statement accurate or not?