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.

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Section A

Answer one out of the two questions in this section.

Question 1

‘The supremacy of Parliament, as outlined by Dicey, has been questioned on numerous occasions, but remains the fundamental principle of the United Kingdom constitution.’

Discuss the accuracy or otherwise of this statement.

Question 2

“It is still the case that whatever the Queen in Parliament enacts is law and, through enacting the European Communities Act 1972, the Queen in Parliament passed legislation recognising the EU as a source of law. The Act plumbs the UK into EU law because the Queen in Parliament wished it to be so.” (A Young, ’R. (Miller) v Secretary of State for Exiting the European Union: thriller or vanilla?’ (2017) ELRev 280, 292)

Discuss the accuracy or otherwise of the above statement on the relationship between United Kingdom (UK) and European Union (EU) law.
Section B

Answer two out of five questions in this section.

Please note that you cannot answer both Question 3 and Question 4.

Question 3

Eutopia is a former colony of the United Kingdom (UK). It has been granted partial independence in that, whilst it now has its own constitution and government and is responsible for its own affairs in practice, legally it remains subject to the ultimate control of the UK. Ever since Eutopia was granted independence on these terms, the UK has formally recognised a convention whereby it will not legislate for Eutopia without Eutopia’s consent. Faced with a serious outbreak of civil disorder, the Prime Minister of Eutopia requests the UK to pass legislation authorising his government to use troops to control riots and other civil disturbances.

In the UK the matter is discussed in cabinet. In spite of the strong opposition of the Foreign Secretary, the cabinet decides to agree to the request, and the legislation required is subsequently passed by Parliament. Shortly afterwards, the Foreign Secretary goes out to dinner with a close friend who is also a journalist. Believing the conversation to be “off-the-record” but absent-mindedly forgetting to make this clear, he reveals the fact that he had argued against the legislation in cabinet. The next day, this is reported in the press. On reading the report the Foreign Secretary becomes very depressed and, retreating to his constituency, seeks solace in his local pub. Sometime later, he is seen emerging from the pub in a clearly inebriated state. Later that week, a senior civil servant in the Foreign Office publishes a report into alleged corruption in the Eutopian government. It subsequently emerges that the report is based on inaccurate and misleading information.

Examine these events according to constitutional conventions.

Question 4

Examine the role and practical operation of constitutional conventions in the United Kingdom.
Question 5

“A separation of powers in the purest sense is not, and never has been, a feature of the UK constitution.” (N Parpworth, Constitutional and Administrative Law (9th edn, OUP 2016) 20)

Explain and illustrate the doctrine of the separation of powers as it operates in the United Kingdom. To what extent is the above statement accurate?

Question 6

To what extent has the Human Rights Act (HRA) 1998 significantly improved the protection of human rights within the law of the United Kingdom?

Question 7

Explain the composition and functions of the European Commission, Council of Ministers and European Parliament (EP). To what extent can the EP be argued to be the most effective and powerful of the European Union’s political institutions?