



ICM

JUNE 2016

CONSTITUTIONAL LAW

Instructions to candidates:

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
 - b) Answer any FIVE questions
 - c) All questions carry equal marks. Marks for each question are shown in []
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- 1. To what extent do Crown servants owe a duty of care in contract and negligence? [20]
 - 2. a) What is **absolute parliamentary privilege** and when will MPs enjoy it? [10]
b) What is **qualified privilege** and when may an MP rely upon it as a defence? [10]
 - 3. Explain the stop and search powers of the police. [20]
 - 4. Assume that a European Union regulation is passed in 2007 stating that all European Union citizens shall be entitled to a minimum wage of the equivalent of £10 per hour. In 2009 the UK Government passes a Minimum Wage Act providing for a minimum wage of £5 per hour. It is now 2014 and Peter, who works as a cleaner, is paid £5 per hour. His employers state they are relying on the 2009 UK Act. Peter is relying on the EU regulation. Advise Peter whether the EU regulation or the 2009 Minimum Wage Act determines his rights. [20]
 - 5. Evaluate the extent to which Constitutional Law is statute made. [20]
 - 6. a) Can Parliament make or unmake any law it wishes? [10]
b) Is it correct that an Act of Parliament cannot be overridden or set aside by the courts? [10]
 - 7. a) What are the limitations of the concept of the Rule of Law? [10]
b) To what extent is the Rule of Law reflected in English Law? [10]
 - 8. Evaluate the roles, within the British Constitution, of:
 - a) the Monarch [6]
 - b) the Prime Minister [7]
 - c) the Cabinet [7]