FINAL
Examination Paper

(COVER PAGE)

Session : January 2005
Programme : Certificate in Law
Course : LAW 141 : Constitutional & Administrative Law (2)
Date of Examination : April 11, 2005
Time : 8:00am – 11:00am  Reading Time : Nil
Duration : 3 Hours

Special Instructions :

This paper consists of SIX (6) questions. Answer any FOUR (4) questions in the answer booklet provided. All questions carry equal marks.

Materials permitted :

Nil

Materials provided :

Nil

Examiner(s) : Ms. Brinda Diana Paul
Moderator : Mr. Russell Hewitson

This paper consists of 3 printed pages, including the cover page.
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CERTIFICATE IN LAW
LAW 141: CONSTITUTIONAL & ADMINISTRATIVE LAW (2)
FINAL EXAMINATION: JANUARY 2005 SESSION

This paper consists of SIX (6) questions. Answer any FOUR (4) questions in the answer booklet provided. All questions carry equal marks.

1. Explain the strengths and weaknesses of the relationship between the executive and the legislature, once described by Bagehot in the nineteenth century as a 'near fusion' and the 'efficient secret of the constitution?'

   (25 marks)

2. All aspects of national law have been affected to varying degrees by our membership of the European Community. Constitutional law is no exception.' Discuss.

   (25 marks)

3. 'Under the United Kingdom constitution, it may be concluded, quite reasonably, that parliamentary control over the exercise of prerogative power is less than adequate. Set alongside or juxtapositioned with the excluded areas of judicial review under the concept of justiciability, it can be seen that there exists a reservoir of power, much of which is undefined or at best ill defined, which is not amenable either to judicial review or to parliamentary control.'

   To what extent do you agree with this assessment and consider the effectiveness of control over the prerogative.

   (25 marks)

4. 'The way forward for reform of the House of Lords seems mired in difficulty and contradiction: a fully appointed House would be unacceptable in a democracy, a fully elected House would merely replicate the Commons, whilst a mixed elected/appointed House would be unworkable because some members would have greater legitimacy than others.'

   Do you agree? Justify the reasons for your stand.

   (25 marks)
5. With the Human Rights Act 1998, the protection of rights and freedoms has moved centre-stage in the constitution. Discuss. (25 marks)

6. 'Judicial review provides an effective check against abuse of executive power that fully respects the differing roles and responsibilities of executive, legislature and judiciary.' Discuss. (25 marks)