

**UNIVERSITY OF BOLTON**

**SCHOOL OF LAW**

**LLB LAW**

**SEMESTER 1 EXAMINATION 2024/25**

**PUBLIC LAW**

**MODULE NO: LAW4020**

Date: Thursday 9<sup>th</sup> January 2025

Time: 2.00pm – 2.30pm

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**INSTRUCTIONS TO CANDIDATES:**

- The multiple-choice section contains 30 questions, ALL of which should be attempted.
  - The examination amounts to 30% of your mark in this module.
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## **MULTIPLE CHOICE QUESTIONS**

**PLEASE ANSWER THESE WITHIN YOUR EXAM PAPER BY SELECTING THE CORRECT ANSWER AND NOTING YOUR RESPONSE WITH A CAPITAL A, B, C OR D**

**EACH QUESTION IS WORTH 1 MARK**

Within section A, there is only ONE correct answer to each question. If you give more than one answer for any multiple-choice question you will receive NO marks for that question.

Answers must be completed in *the student answer book provided*. For example, for question 1, write 1 in the left margin followed by the appropriate letter which indicates your answer (a. to d.) on the lined page – the example below demonstrates:

1	a
2	b
3	c
4	d
5	a

Should you wish to qualify your multiple choice answer, please write your qualification in the answer book. Make it clear which question your qualification applies to. Only perform this task if you truly believe it to be necessary.

**ANY ANSWERS NOT WRITTEN IN THE ANSWER BOOK WILL NOT BE MARKED.**

Please ensure that you write legibly so that there is no doubt what your answer is. It is advisable to answer in capital letters.

The answers are expected to refer to legal *terms of art*. Your answers should, therefore, relate to this professional vocabulary and not simply to the *general* meaning of words and expressions.

Both question paper and answer book *must* be handed in at the end of the examination.

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**Part A – You must attempt ALL questions in this part**

**Constitutions**

**1. Which of the following is most accurate?**

- a) A federal constitution is one where the federal (or central) government controls state (or local) legislatures.
- b) A federal constitution is one where the federal (or central) government controls state (or local) governments.
- c) A federal constitution is one where the division of power between the federal (or central) government and the state (or local) government may be altered by the federal legislature.
- d) A federal constitution is one where the division of power between the federal (or central) government and the state (or local) government is fixed by the constitution.

**2. Which of the following most accurately describes the UK constitution?**

- a) Codified, supreme and presidential.
- b) Uncodified, supreme and parliamentary.
- c) Codified, supreme and parliamentary.
- d) Uncodified, subordinate and presidential.

**3. Thomas Paine stated, 'A constitution is a thing \_\_\_\_\_ to a government, and a government is only the creature of a constitution'.**

- a) Precedent.
- b) Antecedent.
- c) Preliminary.
- d) None of the options given are correct.

**4. Which one of the following statements is true?**

- a) The United Kingdom is a federal state.
- b) The United Kingdom is a republic with an elected head of state.
- c) The UK legislature is subordinate to the British Constitution.
- d) The British Constitution is unwritten, flexible, monarchical, unitary, subordinate to the legislature and based on a partial or limited degree of separation.

**5. Choose the correct statement:**

- a) The UK's constitution can be described as federal and monarchical.
- b) The UK is a republic.
- c) The UK's constitution can be described as unitary and monarchical.
- d) The UK's constitution can be described as a federal republic.

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## **Constitutional Conventions and Ministerial Responsibility**

### **6. Which of the following is accurate?**

- a) Marshall and Moodie describe constitutional conventions as 'rules of constitutional behaviour which are considered to be binding by and upon those who operate the constitution.'
- b) The courts will not recognise constitutional conventions.
- c) Where there is a conflict, constitutional conventions take precedence over legal rules.
- d) It is a constitutional convention that the Chancellor of the Exchequer is photographed outside 11 Downing Street on Budget Day.

### **7. Which of the following is not an example of constitutional conventions?**

- a) The European Convention on Human Rights (ECHR)
- b) That the Monarch will not withhold Royal Assent on Bills duly passed by Parliament.
- c) That the Monarch appoints Ministers on the advice of the Prime Minister, and they must be a member of the Lords of the Commons.
- d) That members of the judiciary will not engage in political commentary.
- e) That Cabinet discussions should remain confidential.

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**8. Esther has recently retired from politics and is attempting to establish a new career as a writer. She has just finished writing a book about her experiences as a member of cabinet, detailing some of the political disputes and drama among the members of cabinet at the time. An injunction has been sought to prevent its publication on the basis that its publication would breach a constitutional convention. Which of the following best describes the likely legal finding in relation to this claim?**

- a) Esther cannot disclose any information where disagreement among members of cabinet is shown, as this would be a breach of collective (joint) ministerial responsibility.
- b) Esther cannot disclose any information where disagreement among members of cabinet is shown, as this would be a breach of individual ministerial responsibility.
- c) As constitutional conventions are not legally enforceable, Esther can publish material showing disagreement among cabinet members unless disclosure would breach a statute, such as the Official Secrets Act 1911.
- d) Although constitutional conventions in themselves are not legally enforceable, they may be recognised by the courts and relevant to further legal questions. In this instance, Esther may be found to be in breach of an equitable doctrine protecting confidentiality due to the convention of collective (joint) ministerial responsibility.
- e) Although constitutional conventions in themselves are not legally enforceable, they may be recognised by the courts and relevant to further legal questions. In this instance, Esther may be found to be in breach of an equitable doctrine protecting confidentiality due to the convention of personal ministerial responsibility.

**9. With regard to the convention of collective responsibility, which of the following is most accurate?**

- a) Discussion among MPs in Parliament should be confidential.
- b) Governmental discussions among Ministers should be confidential.
- c) Discussions between Government Ministers and their backbench colleagues should remain confidential.
- d) The duty of confidentiality is binding only on MPs of the governing party.

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## **Parliamentary Sovereignty**

### **10. Which one of the following describes what Parliament consists of?**

- a) The Supreme Court, Court of Appeal, and High Court.
- b) The Prime Minister, Cabinet ministers, and the House of Lords.
- c) The King, House of Commons, House of Lords.
- d) The Supreme Court, House of Commons, and House of Lords.

### **11. Which of the following most accurately reflects the views of Laws LJ in his judgment in *Thoburn v Sunderland City Council* [2003] QB 151?**

- a) Parliament cannot legislate in a way that conflicts with its obligations under the European Convention on Human Rights and as a member of the European Union.
- b) Parliament cannot amend fundamental legislation.
- c) The implied repeal rule does not apply to constitutional statutes.
- d) Legislation enacted under the Parliament Acts 1911 and 1949 cannot be used to amend or repeal constitutionally fundamental laws.

### **12. Which of the following describes principles associated with the 'legislative supremacy' of Parliament?**

- a) The power of the King-in-Parliament to legislate is not subject to any legal limits.
- b) The courts have no power to review the validity law of enacted Acts of Parliament.
- c) An Act of Parliament can be repealed or amended by a later Act of Parliament.
- d) Only Acts of Parliament, and not Orders in Council, constitute primary legislation.
- e) An Act of Parliament will supersede common law where they conflict.

### **13. Which of the following statements describe the legal relevance of *R (Jackson) v Attorney General* [2005] UKHL 56:**

- a) It affirmed that the courts can assess whether a bill had been successfully enacted under the Parliament Act 1911.
- b) It affirmed that parliament could change its own constitution.
- c) It affirmed that the courts could not assess the validity of primary legislation.
- d) It affirmed that legislation made under the Parliament Act 1911 was not delegated legislation but primary legislation.

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**14. Which of the following best describes the Enrolled Bill Rule?**

- a) As long as an Act has been passed by both Houses of Parliament and received Royal Assent, the courts will not inquire into what happened in Parliament during its enactment.
- b) An Act which has been enrolled on the British Library's official register of legislation cannot be questioned by the courts.
- c) An Act of Parliament cannot take effect until it has been entered on the Parliamentary Roll.
- d) Parliament cannot debate a Bill which has not been enrolled on the Speaker's Register.

**15. Which one of the following is most accurate about the Parliament Acts of 1911 and 1949?**

- a) A Bill enacted under the Parliament Acts 1911 and 1949 is not a full Act of Parliament.
- b) A Bill enacted under the Parliament Acts 1911 and 1949 may be ruled invalid by the courts if it affects the personal interests of the Monarch.
- c) A Bill enacted under the Parliament Acts 1911 and 1949 may become a valid Act of Parliament without the consent of the House of Lords.
- d) Under the Parliament Acts 1911 and 1949, the most the House of Lords may do is to delay a Bill from becoming an Act for three years.

**Legislation that applies to particular individuals or organisations.**

**The Rule of Law**

**16. In The Introduction to the Study of the Law of the Constitution (1885), A.V. Dicey described the Rule of Law as a distinctive feature of the English constitution. Identify which of the following 'distinct though kindred' concepts he included as part of this feature:**

- a) No man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law.
- b) Parliament is sovereign.
- c) Every man, whatever be his rank or condition, is subject to the ordinary law of the realm.
- d) The law must afford adequate protection of fundamental rights.
- e) The law must be accessible and so far, as possible, intelligible, clear and predictable.

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**17. Which of the following is a benefit of the rule of law?**

- a) Bureaucratic government procedures are reduced.
- b) Government officials can act on their own instincts in emergencies.
- c) Citizens are protected from arbitrary and oppressive uses of government power.
- d) Government decisions are based on the will of the majority.

**18. Claire is preparing for an exam and has listed a number of statements she believes are examples of principles associated with the Rule of Law. You have been asked to review her list and identify which among the following would not be considered general Rule of Law principles.**

- a) All are equal before the law.
- b) For the sake of liberty, there must be separation of public powers to prevent its abuse.
- c) Only Parliament can legitimately make law.
- d) Powers of discretion should not be exercised in an arbitrary manner.
- e) Principles of natural justice should be observed.

**Separation of Powers**

**19. The term 'separation of powers' refers to the separation of three distinct functions of democratic government.**

What are those three distinct – or separate – forms of power?

- a) Tribunal, legislative and executive
- b) Executive, democratic and tribunal.
- c) Democratic, legislative and judicial
- d) Judicial, executive and legislative.
- e) Legislative, judicial and tribunal



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**20. A pure model of the separation of powers means there is a complete separation of power between the three branches: the judicial, executive and legislative powers. However, a pure separation of power does not create a system of checks and balances.**

**Which statement best describes the meaning of the term 'checks and balances' in this context?**

- a) Checks and balances mean there is a clear separation of power but a weaker mechanism of accountability to ensure power is not abused.
- b) Checks and balances mean there is a less clear separation of power, but the courts can check how law is made by Parliament to ensure power is not abused.
- c) Checks and balances mean there is a clear separation of power, but Parliament can still check how the executive is using its powers to ensure power is not abused.
- d) Checks and balances mean there is a clear separation of power, but each branch can interfere with the other to ensure power is not abused.
- e) Checks and balances mean there is a less clear separation of power but a stronger mechanism of accountability to ensure power is not abused.

**21. Which of the following is not usually considered an aspect of the principle of separation of powers?**

- a) No arm of state should control or interfere in the work of the other two.
- b) Judges should be independent from the Government.
- c) No arm of state should exercise powers which more properly belong to either of the other two.
- d) Government Ministers should be members of either the House of Commons or the House of Lords.

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**22. In the United Kingdom, the executive branch of the state is formed of the Government of the day (including the Cabinet), wider non-ministerial departments (such as the Department for Health and Social Care) and other agencies of the state, such as the Police or armed forces. This is known collectively as the 'executive'.**

**Which of these statements best describes the nature of executive power?**

- a) The executive develops policy and administers legislation, carrying out key functions and duties on behalf of the Crown.
- b) The executive develops policy and uses that policy to carry out key functions and duties on behalf of Parliament.
- c) The executive administers policy and uses that policy to carry out key functions and duties on behalf of Parliament.
- d) The executive develops legislation and uses that law to carry out key functions and duties on behalf of the Crown.
- e) The executive makes law and uses that legislation to carry out key functions and duties on behalf of the Crown.

**23. Who is responsible for creating the concept of Separation of Powers?**

- a) Lincoln
- b) Montesquieu
- c) Adam Smith
- d) Barack Obama

**24. In a recent lecture on the separation of powers, Rishi raised his hand to ask his lecturer, "Why is it so important that the judicial branch is separate from the political branches? And in particular, from the executive?"**

**Which of the examples below correctly sets out the lecturer's reply?**

- a) This separation is there so that the rule of law is kept separate from the actions of the executive.
- b) This separation is particularly important because the executive is often taken to court by the legislature.
- c) This separation protects individuals from potential abuses of power by the executive and allows challenges to be brought against executive action.
- d) This separation means that judges are independent, and an independent judiciary upholds the rule of law.
- e) This separation protects the executive from unfair litigation being brought against them.

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### **Judicial review - introduction and procedure**

**25. The role of Judicial Review is to determine the exercise of power, granted by statute, of... Who?**

- a) Public Bodies.
- b) Private Industries.
- c) Any organisation, public or private.

**26. What is Judicial Review interested in?**

- a) The merits of the decision made.
- b) The legality decision-making process.
- c) The neglect of fundamental human rights.

**27. Catherine claims that the local authority has failed to follow the correct procedure of consultation before beginning the building of a new concert hall adjacent to her property. Which of the following describes the remedy available through judicial that would halt the building process?**

- a) A declaration.
- b) A mandatory order.
- c) An injunction.
- d) A quashing order.
- e) Damages.

**28. The general time limit for bringing a claim for Judicial review is:**

- a) If possible, within three months after the grounds to make the claim first arose.
- b) If possible, within six months after the grounds to make the claim first arose.
- c) Promptly and in any event, not later than three months after the grounds to make the claim first arose.
- d) Promptly and in any event not later than six months after the grounds to make the claim first arose.

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### **Human Rights – Introduction**

**29. When did The Human Rights Act come into force in the UK?**

- a) 1998.
- b) 1999.
- c) 2000.
- d) 2001.

**30. Which of the following statements is true?**

- a) The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law.
- b) The Human Rights Act 1998 allows a court to invalidate primary legislation.
- c) The Human Rights Act 1998 allows any person with a reasonable case to bring a case before a court.
- d) The Human Rights Act 1998 incorporates the EU Charter of Fundamental Rights into UK law.

**END OF QUESTIONS**