W201 The Individual and the State

Exam questions on Manual 1

2009

QUESTION 1

"Our constitution is dominated by the sovereignty of Parliament. But Parliamentary sovereignty is no longer, if it ever was, absolute. Step by step, gradually but surely, the … principle of the absolute sovereignty of Parliament … is being qualified."
Lord Hope of Craighead in *R (on the application of Jackson and others) v Attorney-General* [2005] UKHL 56

Explain the constitutional doctrine of parliamentary sovereignty (or supremacy) and critically evaluate the view expressed by Lord Hope.

QUESTION 2

"It is apparent … that whilst a high degree of judicial independence is secured under the [UK] constitution there are several aspects of the judicial function which reveal an overlap between judiciary, parliament and the executive."
Hilaire Barnett, *Constitutional and Administrative Law* (7th edition, Routledge Cavendish 2009, p.77)

With reference to the UK constitution, explain why judicial independence from the legislature and the executive is important and consider the extent to which it is achieved. In the light of this, critically evaluate Barnett's statement.