

LAW I

Candidates should answer **THREE** questions

1. In what sense, if any, is law neutral?
2. When, if ever, should an omission generate tortious liability?
3. What did *South Australia Asset Management Corporation (SAAMCO) v York Montague Ltd* [1997] AC 191 decide? Was it rightly decided?
4. Should *Foakes v Beer* (1883) LR 9 App Cas 605 be overturned?
5. How effectively does the law guard against exploitation in boilerplate contracts?
6. Do the remedies for breach of contract depend upon the fault of the party in breach? Should they?
7. Is ‘unjust enrichment’ about enrichment?
8. What principles should govern the availability of proprietary restitution?
9. Are all trustee duties fiduciary?
10. Is the ‘common intention constructive trust’ simply remedial?
11. What is the relationship between relativity of title and ownership?
12. Should parties be forced to mediate before they are entitled to a day in court?
13. Is the right to strike usefully understood in terms of individual freedom?
14. Should units of cryptocurrency be classified as personal property?
15. Has the ‘Brussels I regime’ contributed to the development of a generally coherent system of private international law?
16. How should outstanding cultural heritage be legally protected for future generations?
17. Are the best days of landmark Case C-120/78 *Cassis de Dijon* (1979) over, or does mutual recognition still have a role to play in the EU market integration project?
18. ‘The approach of the law does not lend itself to easy visualization.’ Discuss.
19. ‘The EU is founded on an institutional architecture that seeks to reflect the interests of States and of their peoples in an environment of deepening transnational activity that tends to push the effective site for problem-solving in some areas (e.g. climate change, migration, security, economic reform) beyond the State.’ Discuss.
20. Does the COVID-19 pandemic provide any reason to revise TRIPS?

[OVER]

21. Are product intervention legal measures in the regulation of financial services (such as a ban on selling) ‘unacceptable paternalism’ or an essential plank in the legal protection of small investors?
22. Are there any legal systems that do not have any general principles at all?
23. How could the study of the Roman law of slavery further or hinder the fight against ‘modern slavery’?
24. Should all infringements of intellectual property rights be crimes?
25. Can all modern domestic legal systems be gathered into a few families of law?

LAW II

Candidates should answer **THREE** questions

1. Do courts' appeals to legislative intent do more to constrain judicial law-making or to conceal it?
2. Should public lawyers be more concerned with remedies?
3. When is a claim against a government decision-maker non-justiciable?
4. Is there a viable alternative to balancing tests in human rights adjudication?
5. When, if ever, is immigration detention defensible?
6. Should the law treat discrimination against members of majority groups in the same way as it treats discrimination against members of minority groups?
7. Assess the merits of 'worker' status in labour law.
8. "Dignity" has no clear meaning, and its invocation in medical law serves more to obscure than to justify legal conclusions.' Discuss.
9. How far do children's rights protect children's interests?
10. Is corporate criminal liability more than a useful fiction?
11. When, in law, does deception vitiate consent to sex? When should it?
12. Does the Police and Criminal Evidence Act 1984 require fundamental reform?
13. Should wealth be taxed? If so, how?
14. 'The modern approach is that judges (and, increasingly, juries) can be trusted to evaluate evidence in a rational manner, and that the ability of tribunals to find the true facts will be hindered and not helped if they are prevented from taking relevant evidence into account by exclusionary rules' (LORD HAMBLÉN and LORD LEGGATT). Discuss.
15. 'What matters is how judges decide cases, not whether we call the norms they apply "law".' Discuss.
16. Does law have a function?
17. To what extent is a member State of an international organization not an independent State?
18. Is the law resilient?
19. Is forum shopping an inevitable consequence of globalization?

[OVER]

20. Is the language of human rights the most effective tool to address domestic abuse?
21. Is the business and human rights agenda only corporate rhetoric?
22. Does unilateral treaty denunciation undermine the international rule of law?
23. Was the *Lotus* case (1927) PCIJ Ser A, No 10, 208 wrongly decided?
24. Is 'cyberwarfare' a misnomer?
25. 'There is now clear alignment between national and international law in recognizing that achieving the greenhouse gas reductions mandated by the Paris Agreement is legally required.' Discuss.