

# LAW I

Candidates should answer **THREE** questions

1. What is a legal person?
2. Should judges put aside their emotions when they decide cases?
3. Can cryptocurrency be held on trust?
4. Is a knowing recipient a trustee?
5. Under what circumstances, if any, should civil liability arise because of a conspiracy?
6. Is duress a form of necessity, or necessity a form of duress?
7. When, if ever, should a claimant's illegality ground a defendant's defence?
8. Do private lawyers need a concept of standing?
9. C drops a £10 note; D picks it up. Discuss.
10. What principles should govern the remedies for claims founded upon 'proprietary estoppel'?
11. When should a court permit service out of the jurisdiction on the grounds that the defendant is a 'necessary and proper' party to a legal suit?
12. Should costs follow the event?
13. 'The law of torts at the beginning of the nineteenth century was still recognisably medieval' (DAVID IBBETSON). Discuss.
14. How should foreign law be proved?
15. Can adverse possession laws be justified?
16. Should all criminal courts in all countries have jurisdiction to hear prosecutions for crimes committed anywhere?
17. Discuss, with examples, the extent to which it has been necessary for the legislature to reform private law in your jurisdiction of choice, because the judges have failed to do so.
18. Explain the relation between interpreting a contract and identifying an implied term of a contract.
19. Is the law of frustration a creation of law, equity, Parliament, or the contracting parties?

20. Explain the difference between a tort and a crime.
21. How should the law protect creditors of a company against decisions by the company that put it at risk of insolvency?
22. Should transgender women prisoners be subject to the same prison regime as cisgender women prisoners?
23. If a state is bound by its treaties, is it truly sovereign?
24. Does family law need more rules?
25. '[The] law school belongs in the modern university no more than a school of fencing or dancing.' (THORSTEIN VEBLER). Is a university the right place to learn law?

## LAW II

Candidates should answer **THREE** questions

1. “The lawyer ... is analogous to a prostitute. The difference between the two is simple. The prostitute is honest—the buck is her aim. The lawyer is dishonest—he claims that justice, service to mankind, is his primary purpose. The lawyer's deception of the people springs from his actual money-making role; he represents the client who puts the highest fee on the table.” (FLORYNCE KENNEDY). Discuss.
2. Should courts ever have an equitable jurisdiction to depart from the requirements of a statute?
3. How must the use of private power be constrained in order for a community to attain the ideal of the rule of law?
4. Are there legal duties that are not backed up by sanctions?
5. How, if at all, does the law on bias in administrative decisions differ from the law on bias in judicial decisions?
6. Are there constitutional principles that are not legal principles?
7. Should a court in the United Kingdom ever judicially review an exercise of the power to make or unmake treaties? If so, when?
8. ‘The purpose of the European Convention on Human Rights is to protect *human* rights. There should, for that reason, be no territorial restriction on its application.’ Discuss.
9. Should ministers of the Crown have a legal duty to act so as to ensure that the United Kingdom does not violate international law?
10. Should the government have legal power to veto a disclosure under the Freedom of Information Act 2000?
11. On what grounds, if any, should ombudsmen be subject to judicial review?
12. Are minimum voting age restrictions in elections objectionable?
13. ‘Very many countries seem to have felt it to be important that their national legislature should have two chambers, but none has found a satisfactory role for the upper chamber, or a satisfactory technique for determining its membership.’ Discuss.
14. Is the ‘intention of Parliament’ a fiction?
15. ‘[T]he Order in Council..., being founded on unlawful advice, was likewise unlawful, null and of no effect and should be quashed. This led to the actual prorogation, which was as if the Commissioners had walked into Parliament with a blank piece of paper.’ (LADY HALE AND LORD REED, *R (on the application of Miller) v Prime Minister* [2019] UKSC 41 [69]). Discuss.

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16. Which beliefs are not worthy of respect in a democratic society?
17. Does it matter whether punishment deters?
18. Should draft judgments be confidential?
19. Should the rules of precedent be the same for statutory and common law cases?
20. Is 'intellectual property' property?
21. How should judges be appointed?
22. Is international refugee law fit for purpose?
23. Assess the significance of the Statute of Uses (1536) for the development of English land law.
24. 'Ownership has nothing in common with possession' (ULPIAN). Discuss.
25. Should we abolish juries?