

LAW I

Candidates should answer **THREE** questions

1. Is equity a necessary feature of legal systems?
2. When, if ever, should equity perfect an imperfect gift?
3. Are trusts better seen as part of the law of property, or of the law of obligations?
4. 'Gender is of no relevance to general jurisprudence, for, as far as anyone has shown, there is nothing about "the very forms of law" that warrants calling them "gendered" and no answer to leading problems in general jurisprudence depends on any thesis about gender' (LESLIE GREEN). Discuss.
5. Was *Byers v Samba* [2023] UKSC 51 correctly decided?
6. Should legal systems encourage arbitration?
7. Should the law recognise digital assets, such as cryptocurrency and non-fungible tokens, as property?
8. "'The ownership of things is transferred by deliveries..., but not by mere *pacta* alone" – this is the single most famous maxim of Roman Law' (PIETRO BONFANTE). Discuss.
9. Discuss the advantages and disadvantages of having two levels of appeal from the High Court (to the Court of Appeal and then to the Supreme Court), rather than one.
10. What is the proper scope of the tort of private nuisance?
11. Explain the purpose, or purposes, of intellectual property law.
12. Should the same principles govern the interpretation of all types of legal instrument?
13. Is there a human right to live in a democratic society?
14. What are the proper limits upon a state's ability to act in self-defence in response to an armed attack?

[OVER]

15. 'We do not see how vicarious liability, the normative foundation of which rests on the theory that it is fair, just and reasonable to hold a defendant liable for the acts of the tortfeasor on the ground that the tortfeasor is in fact engaged in the defendant's enterprise, could possibly be extended to tortious acts committed by an independent contractor, who, by definition, is engaged in his own enterprise' *Ng Huat Seng v Munib Mohammad Madni* [2017] SGCA 58 at [64]. Discuss.
16. Does the law on adverse possession violate the protection of property guaranteed by the European Convention on Human Rights?
17. To what extent does European Union law live up to the principle of subsidiarity?
18. Explain why and when an assumption of responsibility ought to be held to ground a duty of care in negligence.
19. '[A] Superior Court, having equitable jurisdiction, must also have a discretion, in certain exceptional cases, to withhold from parties applying for it that remedy to which, in ordinary circumstances, they would be entitled as a matter of course' (LORD WATSON, *Grahame v Magistrates of Kirkcaldy* (1882)). Discuss.
20. Why was it important and what difference did it make in the classical Roman jurists' handling of the *lex Aquilia*, whether an *actio directa* was granted or an *actio in factum ad exemplum legis Aquiliae* [an action modelled after the *lex Aquilia*]?
21. Should there be limits to the legal right of parents to name their children?
22. Should contributory negligence be relevant in damages claims arising from breach of contract?
23. Is it always compatible with self-respect to obey the law?
24. Is it in the public interest of the United Kingdom for the High Court to serve as a dispute resolution tribunal for foreign claimants suing foreign defendants?

[OVER]

25. Has withdrawal from the European Union been beneficial in any way to the law of the United Kingdom?

[END]

LAW II

Candidates should answer **THREE** questions

1. 'Our law must recognise the need to liberate its founding principles from its colonial past' (DR. D.Y. CHANDRACHUD, J, *Justice K.S. Puttaswamy v Union of India* (Supreme Court of India, 2017)). Discuss.
2. What difference did it make when the United Kingdom Supreme Court was established?
3. 'Every decision-maker must conclusively treat the Republic of Rwanda as a safe country' (Safety of Rwanda Act, 2024, s 2(1)). Explain the legal effect of that provision.
4. Are prerogative powers anti-democratic?
5. 'For discretion is a science or understanding to discern between falsity and truth, between wrong and right, between shadows and substance, between equity and colourable glosses and pretences, and not to do according to their wills and private affections' (SIR EDWARD COKE, *Rooke's Case* (1597)). Discuss.
6. What is the most important way in which the Human Rights Act 1998 has affected the law of the United Kingdom?
7. Should a failure of proportionality be a ground of judicial review in administrative law?
8. How, if at all, should the United Nations Security Council be reformed?
9. Should it be a tort for a public agency to fail to do what it could do to counteract climate change? Should it be a tort for a private corporation to fail to do what it could do to counteract climate change?
10. Is bias in administrative decision making a procedural failing, or a substantive failing?
11. Explain the differences between administrative tribunals and courts.
12. Should the law prohibit the organisation of sporting events in which use of performance-enhancing drugs is encouraged?

[OVER]

13. 'We sit here to administer, and not to make or amend, the law' (SCRUTTON LJ). Discuss.
14. Is shareholder value maximization a proper goal for the law of corporate governance?
15. Can a legal system ever be complete without a law of unjust enrichment?
16. '[I]t might be said that the whole idea of a general jurisprudence calls for a level of abstraction from context that is likely to render the analytical end result hardly worth the effort' (JOANNE CONAGHAN). Discuss.
17. Should there be a legal right not to be subjected to the hurtful speech of others?
18. 'Thus we are tempted to mix up two different logics, the logic of authority, and the logic of evidence. What the lawyer wants is authority and the newer the better; what the historian wants is evidence and the older the better' (F.W. MAITLAND). Discuss the implications for the study of legal history.
19. Should the personal data that providers of platforms like Google Search or Facebook collect from their users be considered payment for the use of the platform?
20. '[I]t is not always desirable that claims should be settled' (LORD REED, *R (UNISON) v Lord Chancellor* (2017)). Discuss.
21. How did the overall impact made by Justinian's codification of Roman law differ – in time, place, and/or effects – from what Justinian had intended to achieve?
22. What contribution, if any, can human rights law make to the alleviation of poverty?
23. Is it ever right for Parliament to legislate to annul past criminal convictions?

[END]