

LAW I

Candidates should answer **THREE** questions

1. Is it a tort to contribute knowingly to climate change?
2. When, if ever, should the law provide non-compensatory remedies to victims of civil wrongs?
3. Should the quantum of damages available on account of civil liability vary depending on the defendant's culpability?
4. What remedies should be available against a dishonest assistant to a breach of trust?
5. A and B own adjoining lakeside properties. By mistake, A cleans B's dock. Discuss any legal issues that arise under English law.
6. Is intention in criminal law a matter of degree?
7. Do offences against the person deserve harsher punishment than property offences?
8. Does blockading the Strait of Hormuz violate international law?
9. Does an absence of consideration make a contract void or unenforceable? Which, if either, should it do?
10. Are contracts best understood as promises or agreements?
11. '[T]he courts have for good reasons eschewed any attempt to give a precise definition of when a person is to be treated as having undertaken fiduciary duties towards another' (*Hopcraft v Close Brothers Limited* (United Kingdom Supreme Court, 2025)). Discuss.
12. Should Parliament introduce the principle of legitimate portion that ensures that closest relatives and/or spouses cannot be completely left out of a last will?
13. 'The definition of sex in the Equality Act 2010 makes clear that the concept of sex is binary, a person is either a woman or a man. ...Men and women are on the face of the definition only differentiated as a grouping by the biology they share

with their group.’ (*For Women Scotland v Scottish Ministers* (United Kingdom Supreme Court, 2025))
Discuss.

14. Can property law be best understood as a set of conditions to the operation of the law of property crimes, property torts, and restitution?
15. Are rules of adverse possession of relevance only as long as there is no reliable registration of ownership?
16. Should the UK sign up to the ‘United Nations Convention on Contracts for the International Sale of Goods’ (Vienna Convention)?
17. To improve the efficiency of restructuring or insolvency proceedings, is it necessary to move away from the principle of *par condicio creditorum*?
18. Is retaining or assimilating the Rome I Regulation preferable to returning to the Common Law of the Conflict of Laws?
19. In what ways was the existence of trial by jury an impediment to the development of legal doctrine in private law?
20. Is English law generally hostile to the enforcement of zero-hour and temporary employment contracts? Should it be?
21. If a patient's consent to surgery was not properly informed, should the surgery count as a battery in the law of tort?
22. ‘In the modern world the trust has become a valuable device in commercial and financial dealings. The fundamental principles of equity apply as much to such trusts as they do to the traditional trusts in relation to which those principles were originally formulated. But in my judgment it is important, if the trust is not to be rendered commercially useless, to distinguish between the basic principles of trust law and those specialist rules developed in relation to traditional trusts which are applicable only to such trusts and the rationale of which has no application to trusts of quite a different kind.’ (LORD BROWNE-WILKINSON in *Target Holdings Ltd v Redfern* (House of Lords, 1996)).
Discuss.
23. Should the maxim that a clear text must not be interpreted ("*in claris non fit interpretatio*") be followed in relation to contracts, wills and legislative acts?

LAW II

Candidates should answer THREE questions

1. '[The standard that determines the lawfulness of a prorogation of Parliament] is not concerned with the mode of exercise of the prerogative power within its lawful limits. On the contrary, it is a standard which determines the limits of the power, marking the boundary between the prerogative on the one hand and the operation of the constitutional principles of the sovereignty of Parliament and responsible government on the other hand.' (BARONESS HALE AND LORD REED, *R (Miller) v Prime Minister* (United Kingdom Supreme Court, 2019))
Does the distinction between a standard 'concerned with the mode of exercise' of a power, and a standard that 'determines the limits of the power' provide a workable rule for courts engaged in judicial review?
2. Does the authority of law depend on the law's ability to resolve co-ordination problems?
3. Does feminist legal theory ever yield conclusions as to what the law is on any point?
4. In the phrase 'administrative law', what does 'administrative' mean?
5. Would it be an improvement in the law of homicide if there were a single offence of culpably causing or allowing the death of a human being, with all distinctions among particular incidents of homicide being taken into account in sentencing?
6. Do precedents create legal rules?
7. 'There is indeed no fundamental or inherent difference between a crime and a tort' (C. S. KENNY).
Discuss.
8. 'Custom is the elder brother of parliament' (J. SELDEN).
Discuss.
9. How, if at all, are the educational or career prospects of an offender relevant to the sentence a court ought to impose for a crime?

10. The United Kingdom Human Rights Act provides that UK courts 'must take into account' judgments of the European Court of Human Rights (s 2). On what grounds should a UK court depart from a determination of the European Court of Human Rights as to the effect of the European Convention on Human Rights?
11. For what purposes should referendums be used?
12. Should there be a general rule that administrative decisions must be made by human beings, rather than being generated by an algorithm?
13. 'The codification of Roman law under Justinian was in large part an attempt to muster the past traditions of Rome, especially those deriving from the time that Christianity had been accepted as the state religion, to the service of a highly centralized, efficient government' (R. E. SULLIVAN). Discuss.
14. Are transgender children capable of consenting to the administration of puberty blockers as a gender-affirming treatment?
15. What happens if the United Nations Security Council violates international law?
16. What differences are there between the circumstances in which a judicial decision ought to be overturned on grounds of bias, and the circumstances in which an administrative decision ought to be overturned on grounds of bias?
17. '[U]pon Kelsen emphasizing in stentorian tones, so remarkable in an octogenarian (or in anyone), that 'Norm was Norm' and not something else, I was so startled that I (literally) fell over backwards in my chair.' (H.L.A. HART) What was so startling?
18. What limits should the law impose on the authority of parents over their children?
19. To what extent and in which way should disagreement between judges of a court be disclosed to the parties and the public?
20. Are there principles that could determine whether behaviour is to be criminalised?
21. What, if anything, would be lost if trial by jury were abolished in criminal cases?

22. 'When the judge dares to arrogate to himself the power of interpreting the laws, that is to say, of substituting his will for that of the legislator, everything is arbitrary —no one can foresee the course which his caprice may take.' (JEREMY BENTHAM, Principles of the Civil Code, 1843)
Assess Bentham's critique of interpretation of legislation by judges.
23. Why are remedies in judicial review said to be discretionary? Are there circumstances in which judges have no discretion to decline to give a remedy?
24. The UK's Terrorism Act 2000 defines 'terrorism' to include the use or threat of action that 'involves serious damage to property'. Is that definition too broad?