

CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 12 – Public Law

Question paper

January 2026

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book - ***Blackstone's Statutes on Public Law and Human Rights, 35th edition, John Stanton, Oxford University Press, 2025.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. Critically evaluate, with reference to the sources of the UK constitution, the flexibility with which it is possible to make significant constitutional changes.

(25 marks)

2. Critically assess the extent to which the principle of parliamentary sovereignty, including implied repeal, is compatible with the rule of law.

(25 marks)

3. (a) Explain how, in the English Legal System, the courts have enabled individuals to enforce their right to privacy under Article 8 of the European Convention on Human Rights (ECHR).

(13 marks)

- (b) Critically evaluate whether the approach of the courts has struck an effective balance between an individual's right to privacy and the media's freedom of expression under Article 10 of the ECHR.

(12 marks)

(Total: 25 marks)

4. Critically analyse the similarities and differences between administrative tribunals and courts of law. Your answer should include a discussion of why it might be appropriate to allocate certain cases to a tribunal rather than a court.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Monday 17 November 2025 – 7.45 pm

Opponents of the government of Molvonia [fictitious] were holding a meeting in a church hall in Birmingham to protest against human rights violations in that country. Supporters of the Molvonian government entered the hall and a fight ensued, during which a male Molvonian government supporter repeatedly hit a government opponent, Trudy, with a crowbar, leaving her unconscious.

The police arrived and a witness to the assault informed PC Oades that the perpetrator had grey hair, was wearing a red shirt and had an eagle tattoo on his right arm. PC Oades radioed the police, asking them to look out for a man matching that description. PC Breen observed a man of that description at a bus stop near the church hall. He approached the man, Jarod, and said to him, “You’re under arrest. In Britain, you can’t get away with political thuggery.”

Jarod tried to flee but PC Breen grabbed him by his neck and shoved him into a police van, bruising his face. The van took Jarod to the nearest police station.

Monday 17 November 2025 – 8.30 pm

On arrival at the police station, the custody officer, Sergeant Shepherd, told Jarod that he was under arrest for the attempted murder of Trudy. Sergeant Shepherd also satisfied all statutory requirements for Jarod’s detention, including informing him of his rights. Jarod asked Sergeant Shepherd to let his daughter, Gina, know where he was but Sergeant Shepherd declined, claiming that Gina might attempt to destroy evidence. Sergeant Shepherd also told Jarod that she wanted to take his fingerprints. Jarod refused, so Sergeant Shepherd forcibly took them.

Tuesday 18 November 2025 – 10.15 am

Jarod remained in police custody until the next day. PCs Hughes and Marlowe went to the church hall and knocked on the door. The caretaker, Kristin, opened it, and the PCs told her that they wanted to search the premises as they believed they might find the crowbar used in the attack on Trudy. However, Kristin told them she could not allow them to carry out the search without the permission of the church’s vicar, who was away. Nonetheless, they insisted and entered the hall despite her vehement protests. They did not find anything.

[Note to candidates: The offence of attempted murder is an indictable offence AND you may assume that nothing else of legal significance occurred.]

Advise the police on the legality of their conduct.

(25 marks)

Turn over

Question 2

Parliament has passed the Promotion of Recycling Act 2024 ('the Act') [fictitious] to ensure that products such as mobile phones are recycled in an environmentally friendly way. The Act requires any business wanting to open a new facility for recycling mobile phones to obtain a licence from the Secretary of State for the Environment, Food and Rural Affairs ('the SoS'). The Act also requires the SoS to give priority to environmental considerations in deciding whether to grant a licence.

The SoS has issued guidelines that a licence will normally be granted to applicants who:

- have recycled mobile phones in the UK for a period of three years prior to the application for a licence; and
- have done so without being convicted of any offences relating to damage to the environment during that period.

The following issues have arisen:

(i) CellPhone Revival Ltd ('CPR'), a newcomer to the industry, has applied for a licence. Its processes will use a patented technology that extracts and recycles both metal and plastic components in the phone. The process is very clean, produces few emissions and little waste. The technology has been successfully used in India for several years and is endorsed by leading experts worldwide.

CPR recently received a letter from the SoS rejecting its application because it has not previously recycled mobile phones in the UK as required by the guidelines.

(ii) Mobile Elixirs plc ('MEP') has been involved in the industry for 15 years and has an exemplary environmental record. The SoS recently rejected its application on the grounds that its recycling processes rely excessively on imported products to the detriment of British industry.

Advise CPR and MEP whether they may make a claim for judicial review against the SoS in relation to the refusal of their applications.

(Total: 25 marks)

Question 3

[Note to candidates: The policy, Act, individual and organisation referred to in this question are fictitious.]

The British government has adopted a policy of building nuclear power stations to ensure that it can meet its internationally agreed targets of reducing carbon emissions. To promote this policy, Parliament has enacted the Reduction of Emissions Act 2024 ('the 2024 Act'). Section 7 of the 2024 Act makes it a criminal offence to 'criticise the use and expansion of nuclear power stations in public'. Conviction of an offence under s7 carries a penalty of up to six months' imprisonment and/or a fine of up to £2,500.

Sandra Lane is a fierce opponent of nuclear power stations. She was invited to speak about nuclear power stations by the UK Association of Nuclear Engineers at their annual conference. Sandra attended and gave a lecture during which she heavily criticised nuclear power stations, arguing that the difficulties of safely disposing of nuclear waste outweighed the potential benefits. On leaving the conference, Sandra was arrested and charged with an offence under s7 of the 2024 Act.

(a) Advise Sandra whether she has any grounds for arguing that her prosecution constitutes an unjustified and disproportionate interference with her rights under Article 10 of the European Convention on Human Rights (ECHR).

(13 marks)

Assume for this part of the question **only** that Sandra was prosecuted and convicted following a trial before a magistrates' court in which the magistrates refused to consider whether she had any rights under Article 10. She has now appealed against her conviction to the High Court (King's Bench Division) on a point of law.

(b) Explain how the High Court should apply the Human Rights Act 1998 to protect any right of freedom of expression that Sandra might have and, if so, how it should do so.

(12 marks)

(Total: 25 marks)

Question 4

[Note to candidates: The EU Regulation, Act, drug, individual and organisations referred to in this question are fictitious.]

In September 2013, the European Union validly adopted EU Regulation 2013/41 on the payment of compensation to consumers of medicine. Regulation 2013/41 provides that manufacturers of medicines in EU Member States must pay compensation to any consumer who has suffered physical harm through consuming a medicinal product that the manufacturer has produced, even if the product is innovative. It further provides that a manufacturer's liability is strict, i.e. it must pay compensation to a consumer who has suffered harm from one of its medicinal products even if it has not been negligent.

In December 2019, the UK government enacted the Medicinal Compensation (EU Exit) Regulations 2019 amending Regulation 2013/41. The EU Exit Regulations substituted the United Kingdom for EU Member States and came into force at the end of the transition period at 11.00 p.m. on 31 December 2020.

The Pharmaceutical Products Act 1982, an Act of the UK Parliament, provides that manufacturers of medicines in the UK are not liable to pay compensation in respect of medicinal products that have been in circulation for less than two years, unless they have been negligent.

Neilson Apothecaries plc ('Neilson') is the manufacturer of metapozyme, a drug developed to combat conjunctivitis. Metapozyme has been in circulation for about 18 months. Last month, Lucas took some metapozyme tablets when he contracted conjunctivitis. He then suffered a severe allergic reaction to metapozyme, which resulted in damage to his eyes. According to expert evidence accepted by both Lucas and Neilson, metapozyme caused the eye damage but the allergic reaction was completely unforeseeable. Neilson was therefore not at fault.

(a) Advise Lucas if he can rely on retained EU law and/or assimilated law to claim compensation from Neilson.

(14 marks)

Neilson has also produced a drug called kalocium which was developed as an anti-depressant. However, It has been claimed that kalocium has caused a large number of people to have strokes, leaving some of them severely disabled. No link has ever been proved and Neilson denies that there is any such link.

The Kalocium Survivors' Group ('KSG') has nonetheless campaigned for compensation and proposes to hold a march next week in Helensville, the town where Neilson's UK headquarters is located. The KSG has given the Chief Constable of Derbyshire, within whose territory Helensville is located, seven days' notice of the proposed march. The marchers plan to bring drums and amplifiers. When KSG held a similar march last year there were some scuffles outside Neilson's headquarters.

(b) Advise the Chief Constable whether she has any power to take action before the march in order to control its impact or to ban it.

(11 marks)

(Total: 25 marks)

End of the examination