



THE LAW SOCIETY OF SCOTLAND  
QUALIFIED LAWYERS ASSESSMENT

**LEGAL SYSTEM AND LEGAL METHOD**

2 November 2020

0930 – 1030  
(One hour)

All candidates must answer THREE questions.

**Common law** qualified candidates can answer ANY three questions out of four.

**Non-common law** qualified candidates can answer any TWO questions from question one to question three and **MUST** answer question FOUR which is compulsory.

All questions are marked out of 100 and are weighted equally.

### **Question 1**

The Courts Reform (Scotland) Act 2014 represented a major overhaul of the court system in Scotland. What changes were introduced by The Courts Reform (Scotland) Act 2014 in terms of court structure and how has the appeal process has been affected by the reforms?

### **Question 2**

The Scottish Legal system “represents a long, slow and spasmodic process of evolution”: Robert S. Shiels, *Scottish Legal System*, 3rd edition, W Green.

Outline the key sources of law which have shaped the Scottish legal system and explain how it has evolved into the ‘mixed’ legal system which exists today.

### **Question 3**

Any legal system requires a range of personnel to make it function. Explain the role of the following within the Scottish legal system:

- a) Justices of the UK Supreme Court
- b) Lord Advocate
- c) The Advocate General for Scotland
- d) Advocates

### **Question 4**

What is meant by ‘judge-made law’ and explain with examples how this law operates within the hierarchy of law in the Scottish legal system?

**END OF QUESTION PAPER**