

Parliament Functions

**Elective
Past
Papers**

LL.B. I



GHAQDA STUDENTI TAL-LIĠI

EXECUTIVE BOARD

2020/2021

PRESIDENT
MATTHEW CHARLES ZAMMIT

SECRETARY GENERAL
MAYA SPITERI DALLI

PUBLIC RELATIONS OFFICER
MARTINA CASSAR

ACADEMIC OFFICER
GRAZIELLA SCHEMBRI

EXTERNAL RELATIONS OFFICER
ANDREW FORMOSA

EVENTS OFFICER
KEZIA MALLIA

MARKETING OFFICER
ALEC SLADDEN

PUBLICATIONS OFFICER
DANIELLE GAUCI

VICE-PRESIDENT
VALENTINA CASSAR

FINANCIAL OFFICER
DIANE CUTAJAR

DIRECTOR OF COMMITTEES
SARAH MIFSUD

EXCHANGES OFFICER
GIULIANA MAGRO CONTI

INTERNATIONAL OFFICER
KARL MICALLEF

LEISURE OFFICER
MATTHEW MAMO

POLICY OFFICER
ANDREW SCIBERRAS

RESOURCES OFFICER
KATRINA BORG FERRANDO

ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

UNIVERSITY OF MALTA
FACULTY OF LAW

LLB I
JANUARY 2011

PBL1011 – PARLIAMENT: FUNCTIONS, PROCEDURE, PRACTICE
AND FIELD STUDIES

FRIDAY, 28TH JANUARY 2011

9.15AM – 10.15AM

Answer any ONE from the following:

- 1) Even if the Speaker is least heard in Parliament, if successful in office, he will be the one most listened to - the essence of authority is invisible, albeit tangible. Outline the functions and powers of the Speaker of the House of Representatives.
 - 2) Chapter VI of the Constitution outlines extensively the role of Parliament and the way it functions. Discuss, making also reference to other statutory instruments under Maltese law.
 - 3) How has the Treaty of Lisbon changed the traditional perspective about the role of the Maltese Parliament?
-

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. I YEAR

PBL 1011 – Parliament: Functions, Procedure, Practice and Field Studies

Friday 27th January 2012, 9.15 a.m. – 10.15 a.m.

All questions carry 100 marks

Write an essay on any ONE of the following:

1. Discuss the functions of national parliaments of an European Union Member State following the Treaty of Lisbon.
2. Discuss the power and procedure of Parliament as contained in Part VI of the Constitution of Malta.
3. Discuss any ONE of the following:
 - (a) the power of Parliament to impeach a member of the judiciary; or
 - (b) the role and functions of the Speaker of the House of Representatives; or
 - (c) the historical evolution of Parliament with reference to the English experience.

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. HONS. 1ST YEAR

PBL1011 – PARLIAMENT: FUNCTIONS, PROCEDURE,
PRACTICE AND FIELDS STUDIES

FRIDAY 25TH JANUARY, 2013

9.15 A.M. – 10.15 A.M.

Answer any one of the following:

1. What are the powers and functions of the Speaker of the House of Representatives?
2. A successful motion of no-confidence leads to a fall of Government and subsequent dissolution of Parliament. Discuss.
3. The Maltese Parliament is the supreme institution which exists in the ambit of a more supreme Constitution of a State which is a Member of the European Union. Do you agree? Discuss.

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. HONS. I YEAR

PBL1011 – PARLIAMENT: FUNCTIONS, PROCEDURE,
PRACTICE AND FIELD STUDIES

TUESDAY 10TH SEPTEMBER, 2013

9.15A.M. – 10.15P.M.

Answer **ONE** of the following **THREE** questions:

1. The Speaker of the House of Representatives is the least heard of its Members during debates but his role is essential for the proper functioning of Parliament. Discuss
2. The Treaty of Lisbon has increased the role of the National Parliaments of Member States in the legislative processes of the EU. Explain
3. Outline the main powers and privileges of the Members of the House. Are these powers and privileges still acceptable in a modern democracy?

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. HONS. 1 YEAR

**PBL1011 – PARLIAMENT: FUNCTIONS, PROCEDURE,
PRACTICE AND FIELD STUDIES**

Friday 30th January 2015 9.15AM – 10.15AM

Answer **ONE** of the below questions. All questions carry equal marks.

1. What are the powers and functions of the Speaker of the House of Representatives?
2. Constitutionalism can be defined as a system of Government in which power is distributed and limited by a system of laws that must be obeyed by the rulers. Discuss with reference to the roles and functions of Parliament.
3. "The English think they are free. They are free only during the election of members of Parliament" : Jean-Jacques Rousseau. Discuss.

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS. 1st YEAR
JANUARY 2016 EXAMINATIONS

EXAMINATION: PBL 1011 – Parliament : Functions, Procedure, Practice and Field Studies

DATE: 26th January 2016

READING TIME: 10.00am to 10.05am

DURATION OF EXAMINATION: 10.05am to 11.05am

INSTRUCTIONS TO STUDENTS:

EXAMPLE: Choose any ONE of the following questions:

(Each question carries equal marks)

- 1) The office of the Speaker of the House of Representatives under the Maltese Constitution is a crucial office for the functioning of our Parliamentary democracy. Discuss.

Or
- 2) It has been said that democracy is the worst form of government except all the others that have been tried - Winston Churchill. Discuss with reference to the principles of Constitutionalism.

Or
- 3) What does the term responsible Government mean in the context of the Westminster system of Parliamentary democracy?

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS. 1ST YEAR
JANUARY 2017

PBL1011 Parliament: Functions, Procedure, Practice and Field Studies

Date: Monday 23rd January 2017

Reading and Noting Time: 10.00am to 10.05am

Duration of Examination: 10.05am to 11.05am

Writing is permitted during reading and noting time.
All questions carry equal marks

Choose any **ONE** of the following questions:

- 1) What is the role of the Speaker of the House of Representatives?
- 2) Constitutionalism is the idea that government can and should be legally limited in its powers, and that its authority or legitimacy depends on its observing these limitations. Discuss.
- 3) Parliament enjoys a very effective "power of the purse" over the Executive. Do you agree?

UNIVERSITY OF MALTA

FACULTY OF LAWS

BACHELOR OF LAWS (HONOURS)

January

2018 SESSION OF EXAMINATIONS

PBL 1011 - Parliament: Functions, Procedures, Practice and Field Studies

Thursday 25th January, 2018

Duration of Examination – 10.00am – 11.05am

All questions carry 100 marks out of 100 marks

Write an essay on any **ONE** of the following topics:

1. Explain the role and functions of the Speaker of the House of Representatives of Malta.
2. "Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time" – Sir Winston Churchill. Discuss with reference to the Maltese parliamentary democracy.
3. With the growing role of the European Parliament regarding democratic control of the other EU institutions and noticeably the drafting of laws, the role of the national parliaments has substantially changed over the years. Discuss.

University of Malta
Faculty of Laws

PBL1011 – Parliament: Functions, Procedure, Practice and Field Studies

Date: Wednesday 12th September 2018

Duration of Examination: 10:00am – 11:05am

INSTRUCTIONS TO STUDENTS:

Answer ONE (1) of THREE (3) Questions. All Questions carry equal marks

1. "If the institutions of parliamentary democracy are worth preserving, the duty to explain them to the people they are meant to serve becomes vitally important." Discuss.

OR

2. How has our Parliamentary democracy changed since Malta's membership in the European Union?

OR

3. In our Parliamentary democracy, the winner takes it all. Is this statement true? Discuss.

University of Malta
Faculty of Laws
January/February 2019 Examination Session

PBL1011 PARLIAMENT: FUNCTIONS, PROCEDURES, PRACTICE AND FIELD STUDIES

Date: Monday 28th January 2019

Duration of Examination: 11:30AM - 12:35PM

INSTRUCTIONS TO STUDENTS:

Choose **ANY ONE (1)** Question. All Questions carry equal marks.

1. Many of our Constitutional principles and doctrines derive from British Constitutional law. Discuss with reference to the Maltese Parliament.

2. Does EU Law undermine Parliamentary sovereignty?

3. Constitutional reform in Malta is well overdue. Discuss, with particular reference to Parliament.

University of Malta
Faculty of Laws

September 2019 Examination Session

PBL1011 PARLIAMENT: FUNCTIONS, PROCEDURE, PRACTICE AND FIELD STUDIES

Date: Monday 2nd September 2019 **Duration of Examination:** 11:30AM - 12:35PM

INSTRUCTIONS TO STUDENTS:

Choose ANY ONE (1) Question. All questions carry equal marks.

1. Discuss the role of the Opposition in the House of Representatives by identifying the manifold functions that the Opposition performs in the House of Representatives.
2. The Speaker, throughout the years, has been very active in delivering rulings in the House of Representatives. Select one ruling delivered by the Speaker from the current legislature and evaluate both its pros and cons.
3. A leading case relating to contempt of the House of Representatives is *Demicoli v Malta* decided on 27 August 1991 by the European Court of Human Rights. What were the salient considerations which led the Strasbourg Court to decide against Malta and what consequential amendments did this judgment provoke to Maltese Law on parliamentary privileges.

**University of Malta
Faculty of Laws**

September 2020 Examination Session

PBL1011 PARLIAMENT: FUNCTIONS, PROCEDURE, PRACTICE AND FIELD STUDIES

Date: Tuesday 1st September 2020 **Duration of Examination:** 11:30AM – 12:35PM

INSTRUCTIONS TO STUDENTS:

Choose ONE (1) of THREE (3) questions. All questions carry equal marks.

1. Our Constitution regulates the key aspects of the workings of Parliament. Please discuss how the Constitution regulates Parliament and illustrate the main principles.
2. What is the concept of diarchy? Discuss, with reference to the history of Maltese Parliament, particularly the 1921 Constitution.
3. Parliament has the power of the purse over the Executive. Discuss, with reference to budgetary procedures.



L-Università
ta' Malta

FACULTY OF LAWS
DEPARTMENT OF PUBLIC LAW
FEBRUARY 2021 EXAMINATION SESSION

PBL1011 PARLIAMENT: FUNCTIONS, PROCEDURE & FIELD STUDIES Monday 8th February 2021

Examination time: 08:30 – 9:30 + 15 extra minutes for uploading/downloading.

In case of difficulty during the examination (issues with exam paper, electricity power cut, internet connection, etc), you may contact the Faculty of Laws on the following:

Telephone : 2340 3251; 2340 3752

Email: laws@um.edu.mt

Please note that for immediate feedback it is best to communicate using telephone. Use email only if there are circumstances when the use of telephone is not possible.

Keep your mobile phone handy since important communications during the examination may be communicated by the University through SMS.

By sitting for this examination, I declare that I am aware of the provisions of the regulations regarding conduct during examinations and I pledge to observe them.

Students may not obtain or seek to obtain advantage in an examination, or give or endeavour to give assistance to other students. Students who are found guilty of a breach of the University Assessment Regulations are liable to disciplinary action which may result in the examination being cancelled and other consequences.

Students may be subject to an additional oral examination to safeguard against plagiarism, collusion or other misdemeanours.

With regard to FLOWmulti examinations, you are advised to type directly on WISEflow (and not on MS Word intending to copy and paste on WISEflow).

With regard to FLOWassign examinations, you are advised to upload your work in PDF format.

.....

INSTRUCTIONS TO STUDENTS:

Choose **ONE (1)** from these **TWO (2)** Questions. All Questions carry equal marks. Word count is **1,200 words ONLY**, longer essays will not be fully read.

QUESTION 1:

1. Constitutionalism is the idea, often associated with the political theories of John Locke and the founders of the American republic, that government can and should be legally limited in its powers, and that its authority or legitimacy depends on its observing these limitations. Discuss, with reference to the role of Parliament according to our Constitution.

QUESTION 2:

2. "The [European] Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign right, albeit within limited fields and the subjects of which comprise not only member states but also their nationals."

This is a quote from the judgement "Van Gen den Loos v Nederlandse Administratie der Belastingen." Discuss the impact of EU membership with regard to Parliament.