

SUMMER EXAMINATIONS 1999/2000

FIRST ARTS (LEGAL SCIENCE)
FIRST ARTS (PUBLIC AND SOCIAL POLICY)

LEGAL PROCESS (LW100)

Professor W. Duncan
Ms. C. Gardiner

Time Allowed: **TWO** Hours. Erasmus students have 2½ Hours
Answer: THREE Questions

1. Trace the history of Irish law from its Brehon law origins to modern times, indicating, where possible, the extent to which that history continues to influence our present legal system.
2. Jean-Claude, a French law student is visiting Ireland on an exchange programme. He wishes to learn as much as he can about the common law legal system. Prepare a memorandum for Jean-Claude explaining the distinguishing features of this system. In your memorandum, give an account of how the doctrine of precedent operates including an explanation of the terms *ratio decidendi*, *obiter dictum* and *stare decisis*. In addition, indicate what you consider to be the strengths and weaknesses of the system in practice.
3. Answer (a) AND (b)
 - a) What is delegated legislation? Why is it used? Discuss the ways in which the courts examine the validity of delegated legislation.

AND

- b) Discuss the modern approach taken by the courts towards the interpretation of statutes.
4. Examine the provisions of the 1937 Constitution that outline the essential elements of the Irish court system and outline the hierarchy of the civil and criminal courts. In addition, explain briefly which courts would deal with the following matters:
 - a) A claim by a consumer for a refund of money for faulty goods which cost £100;
 - b) The constitutionality of a new bill to outlaw smoking by pregnant women;
 - c) A prosecution for failure to pay a parking fine;
 - d) An appeal on a point of law from a district court decision
 - e) A compensation claim by a person who lost an arm while operating a machine in the course of work
5. Write a note on TWO of the following:
 - a) The doctrine of the separation of powers;
 - b) Fundamental rights under the Irish Constitution;
 - c) The role of the Dail, the Seanad and the President in the process of enacting legislation.