

NATIONAL UNIVERSITY OF IRELAND, GALWAY

SEMESTER 1 EXAMINATIONS 2000-2001**HIGHER DIPLOMA IN APPLIED COMMUNICATIONS
M.A. IN LITERATURE AND PUBLISHING****LAW (LW871)
CANDELARIA VAN STRIEN-RENEY**

Answer one question from Part 1 and two questions from Part 2.

All questions carry equal marks.

Time allowed: two and a half hours.

PART 1

1. List the principal sources of Irish law and write in detail about any two of them.
2. A trainee reporter is assigned to cover the High Court. Please outline briefly for him what types of cases (civil and criminal) to expect, and any restrictions on reporting them.

PART 2

3. Answer one of the following, a) or b) or c):
 - a) A recent newspaper report stated that after an acrimonious meeting of the four-member Galway "Save the Whale" Committee, one of the members, described as "a gay batchelor", punched a fellow committe member.

One of the members, Mr John Smith, is upset by the report. Although he was not named in the report, he feels that his friends and acquaintances will believe that it refers to him.

Please answer the following questions, explaining your answer in each case:

- (i) could the statement be defamatory?
- (ii) who could be sued?
- (iii) what defences, if any, would be available?
- (iv) in what court(s) might the case be heard?
- (v) would it make any difference if Mr Smith were a politician?
- (vi) would it make any difference if Mr Smith died before the proceedings for defamation came before the court?

or

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- b) With reference to decided cases, please give an account of how the Irish courts have dealt with criminal libel.

or

- c) Outline briefly any reforms to the law of Defamation that you believe are necessary or desirable.

4. Answer either a) or b):

- a) In the course of her work, a journalist is given confidential information regarding irregularities in the conduct of local industry. In a subsequent court case she is asked to reveal the identity of her source of information. Please advise her as to her position under Irish law, and compare it with the position in other jurisdictions.

or

- b) Give a detailed account of the *sub judice* rule, and outline briefly any reforms that you feel are needed.

5. Give a detailed account of the main provisions that a publisher must ensure are covered in an author-publisher contract.
Your account should include a brief outline of the implications of new technology for such a contract.

End