

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER 1 EXAMINATIONS – 2002/2003

BACHELOR OF CORPORATE LAW – SECOND YEAR
ERASMUS & OCCASIONAL STUDENTS

CONSTITUTIONAL LAW I (LW302)

Dr. G Hogan
Ms. S. Quinlivan

Time Allowed: **2 Hours.** ERASMUS students have **2.5 Hours.**

Answer **THREE** Questions. Please indicate on the front of your script questions answered.

1. Your advice is sought by Jason, a leading member of CAMP (Campaign against Moral Promiscuity) who wishes to challenge the constitutionality of a recently-enacted statute which will allow persons aged fifteen and over to obtain contraceptives of all kinds without their parents' permission. He claims that the Act is in violation of Article 41 (the Family) of the Constitution. Advise Jason, a bachelor with no children, as to whether he is likely to be regarded by the High Court as having the requisite *locus standi* to take the action. (Students are not required to deal with the constitutional merits of the litigation, but simply to focus on the issue of standing).
 2. Write an essay on one of the following propositions:
 - a) "The designation of Irish as the 'national' and the 'first official' language is of little practical significance."
- OR**
- b) "The system of Prospective Judicial Review provided for in Article 26 of the Irish Constitution requires fundamental reform before it can operate effectively."
 3. Describe the doctrine of the separation of powers as it operates in Irish constitutional law with particular reference to the relationship between the legislature and the judiciary.
 4. Describe and evaluate the various interpretive devices used by the courts in constitutional litigation. Please refer to decided cases in your answer.
 5. Imagine you are the Attorney General and you are asked by the Taoiseach to draft a comprehensive memorandum outlining the law on parliamentary privileges. Draft such memorandum.
 6. If the 1937 Constitution envisages no element of *internal sovereignty* how can the state claim a republican prerogative of treasure trove?

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