

**NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW**

SEMESTER 1 EXAMINATION 2002/2003

**B.A.(LEGAL SCIENCE) SECOND YEAR
B.A. (PUBLIC & SOCIAL POLICY) SECOND YEAR
BA INTERNATIONAL (LEGAL SCIENCE) THIRD YEAR
VISITING STUDENTS**

CONSTITUTIONAL LAW 1 (LW302)

**Dr. Gerard Hogan
Mr. Donncha O'Connell**

Time allowed: 2 hours. Erasmus students have 2½ hours.

Answer **TWO** questions. All questions carry equal marks.

1. "There were both legal and political imperatives for drafting a new Constitution in the mid-1930's". Discuss.
2. The Irish Minister for Fun publishes a bill to establish a statutory Commission for the Spreading of Joy on foot of the EU Directive on Fun Without Frontiers. According to the bill, the Commission will be empowered to execute a wide variety of functions to be set out in a future Ministerial Order giving further effect to the Directive. The Minister seeks your advice on the following matters:
 - (a) Are there any limits on his power to prescribe the functions of the Commission in a Ministerial Order?
 - (b) In implementing the bulk of the Directive by means of secondary legislation can the Minister change prior existing laws?
3. In the course of digging foundations for her new home Máire discovers a large metal object which, upon further examination, is revealed to be an ancient sword of immense value. She reports the find to the National Museum which carries out a major excavation of her lands leading to the discovery of a significant number of ancient artefacts. When Máire realises that she has no entitlement to realise the full value of the hoard she seeks legal advice on the constitutional issues raised by her situation. Advise Máire.
4. "The notion of Cabinet Confidentiality in Irish Constitutional Law emphasises the pre-eminent position of the Executive at the expense of a broad conception of the public interest". Discuss.
5. "The various constitutional controversies associated with the Offences Against the State Acts, 1939-1998 and the use of the Special Criminal Court point to a fair and necessary balance between rights of due process or equality before the law and the wider societal interest in controlling terrorism and organised crime". Discuss