

NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW

SEMESTER I EXAMINATIONS 2002/2003

BACHELOR OF ARTS PUBLIC & SOCIAL POLICY – FIRST YEAR  
LL.B – FIRST YEAR  
ERASMUS/OCCASIONAL STUDENTS

IRISH LEGAL SYSTEM (LW103)

Mr. R. Byrne  
Mr. Pádraic Kenna  
Ms. Noelle Higgins

Time allowed: **TWO** hours. Erasmus students have 2½ Hours

Answer **THREE** questions

1. Discuss the sources of Irish law, both primary and secondary, commenting on the importance of each.
2. Trace the development and history of the law in Ireland, from Brehon law times to modern day and indicate, where possible, the extent to which that history continues to influence our present legal system.
3. Write a brief account on any **TWO** of the following:
  - a) The term 'full jurisdiction' in respect of the High Court.
  - b) The concept of local and limited jurisdiction.
  - c) The influence of article 26 of the Constitution of Ireland 1937 (*Bunreacht na hÉireann* 1937) on the legislative process.
  - d) Delegated legislation.
  - e) The terms **monism** and **dualism**.
4. Discuss **both** of the following issues:
  - a) Fundamental rights under the Constitution of Ireland 1937 (*Bunreacht na hÉireann* 1937).
  - b) The doctrine of the separation of powers.
5. Explain the doctrine of *stare decisis*. In your answer refer to the distinction between binding and persuasive authority and the distinction between the *ratio decidendi* and an *obiter dictum* of a case. In your opinion, is the doctrine of precedent a rigid or flexible one?
6. Since Ireland joined the EEC (now the EC) in 1973, European Community law has been a source of Irish law. Discuss and analyse the effect this change has had on Irish law.

END