

GX 1804

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2002/2003**

<b>Exam Code(s)</b>	2BL1, 2BL2, 2CW1, 3BL1 3BL2, 3CW1, 4BL2, 1EM1, 1OA1.
<b>Exams(s)</b>	2 <sup>nd</sup> 3 <sup>rd</sup> & 4 <sup>th</sup> LL.B. 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law Erasmus & Occasional
<b>Module Codes(s)</b>	LW116
<b>Module(s)</b>	Public Law II
<b>Paper No.</b>	1
<b>Repeat Paper __ Special Paper __</b>	
<b>External Examiner(s)</b>	Dr. Gerard Hogan
<b>Internal Examiner(s)</b>	Mr. Tom O'Malley
<b>Instructions</b>	Answer <b>THREE</b> questions
<b>Duration</b>	<b>TWO and A HALF</b> Hours
<b>No. of AnswerBooks</b>	
<b>Requirements:</b>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
<b>No. of Pages</b>	2
<b>Department(s)</b>	Law

1. Describe the present law governing tribunals of inquiry, including in your answer an account of the purposes of such tribunals and the powers with which they are endowed when established in accordance with the Tribunals of Inquiry (Evidence) Acts 1921 to 1998.
2. "The decision of the Supreme Court in *Maguire v. Ardagh* [2002] 1 I.R. 385 seriously diminishes the capacity of Oireachtas committees to inquire into matters of public importance". Discuss.
3. Describe the meaning of parliamentary sovereignty as it applies with British constitutional law. Include in your answer an assessment of the merits and drawbacks of restricting parliamentary sovereignty through judicial review of legislation.
4. "The rule of law is fundamentally no more than a law of rules". Discuss.
5. On March 20, 2003, John was convicted of an offence in the District Court but claims that he was denied fair procedures on account of the manner in which the district judge constantly intervened when John's solicitor was trying to cross-examine a Garda witness. Advise John as to:
  - (a) the procedures to be followed in order to have the District Court order judicially reviewed; and
  - (b) the criteria employed by the High Court when deciding if leave should be granted to proceed with an application for judicial review.
6. The Minister for Justice proposes to establish an Occupational Injuries Compensation Tribunal to deal with claims for compensation from persons claiming to have suffered injury in the course of their employment. It is proposed that the Tribunal will deal only with cases in which the defendant employer has admitted liability but is disputing the amount of damages claimed by a plaintiff. There will be a limit of €150,000 on the amount of damages which the Tribunal can award. Claims for any higher amount will have to be made, as now, through the law courts. The Minister has sought your opinion as to whether legislation providing for the establishment of such a Tribunal might be vulnerable to challenge under Article 37 of the Constitution. Advise the Minister.

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