

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2CL1
Exams(s)	2 nd Corporate Law
Module Codes(s)	LW305
Module(s)	Constitutional Law II
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Dr. Gerard Hogan
Internal Examiner(s)	Ms. Shivaun Quinlivan
Instructions	Answer THREE questions All questions carry equal marks Please indicate on your answer books which questions have been attempted.
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Constitution of Ireland
No. of Pages	2
Department(s)	Law

1. Write briefly about two of the following:
 - i) Give an account of the influence which Art. 40.6.1 (iii) of the Constitution has had on trade union organisation in Ireland.
 - ii) 'Freedom of Expression is among the least well developed rights in the Irish Constitution.' Please Discuss.
 - iii) Patricia, who lives and works in Maynooth, Lisa, who lives and works in Galway and John who lives and works in Dublin are old college friends. They all believe that the criminalization of Cannabis is wrong, and wish to see it legalised. They plan to call themselves the 'Party for the Legalization of Cannabis' and have started to gather members to their party. All three are contesting the forthcoming election, and they have decided to apply to register as a political party, under the Electoral Act of 1990. Advise them about the possibilities of success of being registered as a political party.
2. Discuss the States obligations to provide free primary education – Article 42. Discuss the courts interpretation of this obligation.
3. Assess the strength or otherwise of the equality provision under the Irish Constitution – Article 40.1
4. Joan is aged twenty-five and is married to Jim. She learns she is pregnant and wishes to travel to the UK to have an abortion. She approaches a doctor who gives her information regarding the availability of abortion in the UK. The doctor does not contact Jim in connection with the matter even though he knows Jim is married to Joan. Joan has made preliminary plans to travel for an abortion to the UK. Jim learns about this by accident and is interested to know whether he has any rights with respect to the giving of information and whether he has any standing to prevent her from travelling to the UK for an abortion.
5. Write an essay on the right to property under the Irish Constitution. In your answer please consider the Supreme Court's rulings concerning the *Employment Equality Bill (1996)* and the *Planning and Development Bill, 2000*.
6. Larry and Ursula are living together in a stable relationship and they do not intend to get married. They have jointly purchased a city-centre apartment for €300,000. Their apartment is in a block that has recently been constructed under a Government-sponsored scheme to encourage inner-city renewal and, in particular, to encourage families to settle in this area. Ursula and Larry now find that, because they are not married, they cannot take advantage of a special tax exemption for the first five years of mortgage repayment, which is available to married couples who purchase such apartments. They claim that the legislation instituting this scheme violates their rights under the Constitution. Advise them.

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