

GX 1314

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BA1, 2BA6
Exams(s)	2 nd Bachelor of Arts 2 nd Bachelor of Arts (Public & Social Policy)
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)	Mr. Donncha O'Connell
<u>Instructions</u>	Answer <u>TWO</u> questions All questions carry equal marks
Duration	<u>TWO</u> Hours
No. of Answer Books	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Bunreacht na hÉireann, 1937
No. of Pages	2
Department(s)	Law

1. "Recourse to Natural Law, as a device of constitutional interpretation in the area of abortion and related matters, is now redundant". Discuss.
2. "The guarantee of equality under Article 40.1 of the Irish Constitution, 1937 is more concerned with 'process' than 'substance'. While this is reflected in the case law an alternative model of 'substantive equality' may well be open to judicial development". Discuss.
3. John and James are living together in a stable relationship. 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, the settlement of families in the area. As an unmarried same-sex couple, John and James cannot take advantage of a special tax exemption for the first five years of mortgage repayment that is available to married couples purchasing such apartments. They claim that the legislation instituting this scheme violates their specified and unspecified rights under the Constitution. Advise John and James.
4. "As a result of the majority decision of the Supreme Court in *Sinnott v. Minister for Education* [2001] 2 IR 545 the scope for public interest litigation in Ireland is severely curtailed". Discuss with reference to previous and subsequent cases dealing with issues of social exclusion.
5. The Government decide to hold a referendum to change an article of the Constitution that has been the subject of a controversial Supreme Court ruling. A Referendum Commission is constituted for the purpose of conducting an information campaign during the month preceding the referendum with a budget of €1million. Its terms of reference require it to spend its budget on the arguments for and against the proposal contained in the amendment in proportion to the manner in which such views are represented by all registered political parties. The Chairman of the Referendum Commission is concerned that this may be unconstitutional and seeks your advice. Advise the Chairman.
6. On the basis of decided cases, does it matter whether claims to private property rights are based on Article 40.3 or 43 of the Irish Constitution?

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