

GX 1825

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 2CW1, 3BA6, 3BL1, 3BL2, 3CW1, 4BA8, 4BL2, IEM1, IOA1.
Exams(s)	2 nd 3 rd & 4 th LL.B. 2 nd & 3 rd Bachelor of Civil Law 3 rd & 4 th Bachelor of Arts (Public & Social Policy) Erasmus & Occasional Students
Module Codes(s)	LW394
Module(s)	Criminal Justice
Paper No.	1
Repeat Paper _ Special Paper _	
External Examiner(s)	Professor R.N. Sullivan
Internal Examiner(s)	Mr. T. O'Malley
Instructions	Answer THREE questions
Duration	TWO AND A HALF HOURS. Erasmus students may have an extra half hour
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	LAW

1. Describe the jurisdiction of the Special Criminal Court. Would you recommend any changes in the statutory provisions governing the power of the DPP to refer cases to the court?
2. "The Director of Public Prosecutions enjoys a virtually untrammelled discretion in making decisions on whether or not to prosecute in individual cases. There are virtually no circumstances in which the High Court will entertain a challenge to any decision made by the Director." Discuss.
3. Describe the main provisions of the Bail Act 1997, including in your answer an account of how this Act affects the principles established by the Supreme Court in *People (Attorney General) v. O'Callaghan* [1966] I.R. 501.
4. John, who is 63 years of age, has been charged with several sexual offences allegedly committed against his daughter during the period 1975 to 1979 when she was aged between 12 and 16 years. She was the eldest of a family of four girls and their mother had died in 1974 when she was 11 years old. She continued to live at home until 1989 in order to look after the younger members of the family. When she was 26 years of age, she moved from the rural area in which they lived to Dublin where she trained as a nurse and later married. It was not until 2000 that she complained to anyone about having been abused. In that year, having seen a television programme on the topic of child abuse, she told her husband. With his encouragement, she contracted a counsellor and in March 2001 made a complaint to the Gardai. The Gardai questioned John in April 2001 but did not arrest him and charge him until March 2003. John claims that he cannot now get a fair trial because of the length of time that has elapsed since the offences were allegedly committed and he seeks your advice as to whether he can take any steps to have the trial prohibited. Advise him.
5. A jury is supposed to represent a fair cross-section of the community. To what extent do you believe that Irish law facilitates the selection of representative juries? Support your answer with reference to the relevant statutory provisions and other authorities.
6. Describe, with reference to relevant legislation and case law, the jurisdiction of the District Court in respect of indictable offences.

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