

LW302-Constitutional-Shivaun

Ollscoil na hÉireann, Gaillimh
National University of Ireland, Galway

Semester I Examinations, 2003/2004

Exam Code(s)	2 CL, IOA1, IEM1
Exam(s)	2 ND Corporate Law Erasmus & Occassional
Module Code(s)	LW 302
Module(s)	Constitutional law I
Paper No.	1
Repeat Paper	Special Paper
External Examiner(s)	Prof. Colin Harvey
Internal Examiner(s)	Ms. Shivaun Quinlivan

Instructions:

Please answer three questions. All questions carry equal marks.

Please indicate on your answer books which questions have been attempted.

Duration	2hrs
No. of Answer books	3

Requirements:

Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Bunrecht na hEireann, 1937

No. of Pages	
Department(s)	Law

PTO

1. Answer either A) OR B)

- a. In the wake of the Supreme Court's decisions in *Sinnott v. Minister for Education* and *TD v. Minister for Education* what future (if any) is there for socio-economic rights?

OR

- b. Imagine you are the Attorney General and you are asked by the Taoiseach to draft a comprehensive memorandum outlining the law on either parliamentary privileges **OR** cabinet confidentiality. Draft **ONE** such memorandum.

2. Describe with reference to relevant cases the extent to which the Irish courts have departed from the basic rule regarding *locus standi* established in the case of *Cahill v. Sutton* [1980] IR 269. Is it fair to say that the notion of the 'private attorney general' is well established and has this been altered by the decision in *Riordan v. An Taoiseach*, SC unrep, 2001.
3. Discuss the position of Irish citizen children of non citizen parents, please refer in your answer to *Fajjonu v. Minister for Justice*, [1990] 2 IR 151, and *Lobe & Osayande v. Minister for Justice, Equality and Law Reform*, [2003] IESC 1 and relevant academic sources.
4. If the 1937 Constitution envisages no element of *internal sovereignty* how can the state claim a republican prerogative of treasure trove?
Discuss with reference to relevant cases and other academic sources.
5. 'There ought not to be a constitutional barrier to the public funding of a referendum campaign *provided* that the manner of equitable allotment of such funding is entrusted to an independent body ...' *Constitution Review Group*, 1996. Discuss with reference to relevant cases and other academic sources.
6. Lord Acton once noted that 'power tends to corrupt, absolute power tends to corrupt absolutely.' Discuss this statement in light of the doctrine of the separation of powers as espoused in *Bunreacht na hEireann*, 1937. Please refer to relevant cases and academic sources in your answer.

END