

GX Gx1655

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

SEMESTER 1 Examinations, 2003/2004

Exam Code(s)	1BA6, 1EM, 1OA
Exams(s)	First - Bachelor of Arts, Public & Social Policy. Erasmus & Occasional
Module Codes(s)	LW103.I
Module(s)	Irish Legal Systems
Paper No.	
External Examiner(s)	Mr. R. Byrne
Internal Examiner(s)	Ms Ciara Smyth
<u>Instructions</u>	Answer THREE Questions
Duration	TWO Hours.
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	The Irish Constitution 1937
Department(s)	LAW

PTO

1. Explain the political and legal reasons for introducing a new constitution in 1937.
2. Compare and contrast the process of constitutional judicial review of legislation with the procedure for reference of bills under Article 26 of the Constitution.
3. Sean has been found guilty and sentenced to a lengthy term of imprisonment for importing drugs into Ireland, by the Circuit Criminal Court. He is angry both about the conviction and the sentence. Advise Sean about his options for appeal.
4. The case of *Lobe & Osayande* was recently before the Supreme Court. In the proceedings, a number of cases were cited to the judges. They were:
 - a) *Fajujonu v Minister for Justice* (Irish Supreme Court)
 - b) *Osheku & Others v Ireland* (Irish High Court)
 - c) *Perdido v Immigration and Naturalisation Service* (US Court of Appeals for the 5th Circuit)
 - d) *R (Yogathas) v The Home Secretary* (UK House of Lords)
 - e) *Vilvarajah v UK* (European Court of Human Rights)

For each of these cases explain whether, ordinarily, they would be of binding precedent or persuasive precedent for the judges deciding *Lobe & Osayande*.

AND

If all or any of these cases are ordinarily of binding precedent, must they necessarily be followed?

5. Describe the different sources of EC law and how they take effect in Ireland.
6. The Irish government may travel the world signing international treaties but that, in itself, does not mean that such treaties have force of law in Ireland. Discuss.

END