

GX 1661

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

SEMESTER 1 Examinations, 2003/2004

Exam Code(s)	2&3BL, 2&3CW, 3&4BA1 3BA6, 1OA, 1EM
Exams(s)	2 nd & 3 rd LL.B 2 nd & 3 rd Bachelor of Civil Law 3 rd & 4 th Bachelor of Arts 3 rd Arts Public & Social Policy Occasional and Erasmus Students
Module Codes(s)	LW354
Module(s)	Media Law
External Examiner(s)	Dr C. Harvey
Internal Examiner(s)	Mrs. M. McGonagle
<u>Instructions</u>	Answer THREE questions only. All questions carry equal marks.
Duration	Time allowed TWO HOURS .
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	LAW

PTO

1. It has been said that privacy is not yet a right that the law recognises in any comprehensive way. The problem is to find a test for defining unwarranted intrusions into private lives which allows for the investigation of stories of real public interest. Discuss the nature and extent of the protection of privacy in Irish law, referring where appropriate to decided cases and the proposals of the Law Reform Commission in its report of 1998.
2. Explain clearly and succinctly by reference to a recent decision (2002-3) the approach taken and criteria used by the European Court of Human Rights in deciding media cases under Article 10 of the European Convention of Human Rights, and explain the significance of the decision for the media generally.
3. Answer EITHER a) OR b):
 - a) Protection of confidential sources is a key principle of journalistic ethics and journalists will go to jail rather than divulge their sources. Critically analyse and assess the legal position regarding protection of journalists' sources in Ireland.

OR

- b) The Corway case (*Corway v Independent Newspapers*, Supreme Court, 1999) amply demonstrates the absurdity of the blasphemy laws. Discuss, with particular reference to the way in which the courts have interpreted the constitutional restriction on freedom of expression and of the press in the interest of public order and morality.
4. An article in a magazine carried the banner headline "Wise up m'Lord". It criticised a judge who had imposed reporting restrictions in a major drugs trial for no other reason than that some of the defendants were facing further proceedings at a later date and the media might sensationalise or misreport the current proceedings and jeopardise that future trial. The article invited judges to get rid of their wigs and come into the real world. "What are they afraid of? Are they media-shy? Afraid of embarrassment? Or too aloof to care about the public?"

The editor and journalist are ordered to appear before the court on the basis that the article could amount to contempt of court. Advise them by reference to the relevant law and to decided cases, where appropriate.

PTO

5. A newspaper published a review of health and sports clubs in the Galway area. The review, which gave facts and prices, was critical of one club. It said the club was overcharging and ripping members off, having enticed them with low commencement rates. It quoted a number of members who said that the club was overcrowded, that sports' equipment was already showing wear and tear and that the atmosphere was not very friendly, particularly when they complained.

The manager and owners of the club sue for defamation. Advise the newspaper as to any defence it might have, supporting your advice by reference to decided cases where appropriate.

6. Give an up-to-date account and assessment of the law relating to ONE of the following, referring to court decisions where possible:
- (i) the test of reasonable identification in defamation law and the proofs required of the plaintiff;
 - (ii) the restrictions imposed on court reporting in the interests of the privacy of individuals coming before the courts;
 - (iii) the role of the Information Commissioner and the benefits that the media can derive from using her office under the terms of the Freedom of Information Act 1997, as amended in 2003.

END