

GX 1670

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester 1 Examinations, 2003/2004

Exam Code(s)	2BL, 3BL, 4BL, 1EM1, 1OA1
Exams(s)	2 nd 3 rd & 4 th LL.B Erasmus & Occasional
Module Codes(s)	LW115.I
Module(s)	Public Law I
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Dr. C. Harvey
Internal Examiner(s)	Mr. Tom O'Malley
Instructions	Answer THREE questions
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	Law

PTO

1. In October 2003, Peter was tried by a jury in the Dublin Circuit Criminal Court on a charge of handling stolen goods and was convicted. Since his conviction, it has come to his attention that one member of the jury, Mary White, is married to the managing director of Liffey Wholesale Limited, which in turn owns the warehouse from which the goods were allegedly stolen in the first place. It has also become known that after the trial was over, another member of the same jury, Michael Brown, sent a note to the barrister who had acted for the prosecution in Peter's trial, Samantha Black, asking her for a date. She appears to have accepted because it transpires that Michael and Samantha have been going out together for the past few weeks. Peter seeks your advice as to whether there are any grounds on which he might challenge his conviction by way of appeal or judicial review. Advise him.

2. Larry was a member of the army, holding the rank of captain. In September of this year, two women members of the army made a complaint to Larry's superior officer to the effect that they had been subject to sexual harassment by Larry on three different occasions over the summer. Larry was informed that allegations were made against him but he was not furnished with details of the complaints. He was given a week to reply to them and was told that a hearing would take place on a date, which was specified, about one week after that again. When he enquired if he was entitled to have a solicitor present, he was told that he was not, but that, if he wished, a member of the army legal corps would be assigned to represent him. Although he was unhappy with this arrangement, he agreed and asked for such an assignment to be made. The person who was assigned to him had no experience of civilian legal practice but held a university law degree and had several years' experience in the army legal department. At the hearing, no further details of the allegations were given but Larry was asked if there was anything he wished to say in his defence. His legal representative replied that Larry was denying the allegations. The hearing then concluded. A week later, Larry received a letter from the Minister for Defence informing him that he was being dismissed from the army with effect from the end of October. Larry seeks your advice as to whether there are any grounds on which he might challenge his dismissal by way of judicial review. Advise him.

3. A non-statutory redress board has been established to provide compensation for persons who claim that while they were pupils in primary schools between the years 1960 and 1975 they were subject to excessive punishment and beatings. The board is chaired by a Senior Counsel and also includes a number of specialists such as psychologists. Mary submitted a claim and attended a hearing at which she was represented by a solicitor and barrister. Some weeks later, she was informed by the board that it had been decided that she was not entitled to any compensation. Mary is both puzzled and perturbed by this because a number of other applicants have received compensation varying in amounts between €10,000 and €20,000. Some of these applicants were in the same class as Mary while at school and she was subject to much the same punishment, in terms of both frequency and severity, as they were. Mary believes that the decision of the redress board is completely unreasonable and seeks your advice as to whether there is any point in challenging the decision on this ground. Advise her.

4. Describe the current Irish law on the doctrine of legitimate expectations, including in your answer an account of whether a legitimate expectation can give rise to a substantive benefit as opposed to a procedural right.

5. Describe the circumstances in which judicial review will be available when the applicant alleges a decision made against him by an inferior court or a public body reveals an error of fact.

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