

GX 1703

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	2CL1
Exams(s)	2 nd Corporate Law
Module Codes(s)	LW305 .11
Module(s)	Constitutional Law II
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Colin Harvey
Internal Examiner(s)	Ms. Shivaun Quinlivan
<u>Instructions</u>	Answer <u>THREE</u> questions All questions carry equal marks Please indicate on your answer books which questions have been attempted.
Duration	<u>TWO</u> Hours
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Constitution of Ireland
No. of Pages	2
Department(s)	Law

PTO

1. **Answer A OR B**

- A) In *re a Ward of Court*, the SC grappled with issues relating to the right to life of the disabled and the circumstances in which it might be proper to authorise the withdrawal of food from a person who is receiving nutrition through a tube.' (Annual Review of Irish Law, 1995). Why did this decision provoke such criticism of the court's analyses?

Or

- B) In light of the fact that we have had five referenda in twenty years on abortion in this jurisdiction, and numerous court actions, is it time we removed all reference to abortion from the Constitution and legislated instead. Please refer to decided cases and academic commentary in your answer.
2. Discuss the State's obligation to provide free primary education under Article 42. Discuss the interpretation of this obligation by the courts.
3. It has been stated that the doctrine of unenumerated rights in Irish constitutional law has been characterised "by a certain blurring of definition, a certain bursting of conceptual banks, rather as though legal rivers finding their confluence in the estuary of liberty and justice, had had their courses confused by flooding further upstream leaving a somewhat trackless delta for the constitutional geographer" Discuss
4. In a *prima facie* sense, the Constitution of Ireland legitimates discrimination if it corresponds with a difference of capacity or social function. Discuss.
5. Discuss the difficulties with double coverage of property rights in two separate Articles, Article 40.3.2 and Article 43, and the qualifications attached to the Articles which has led to restrictive interpretation by the courts.
6. Analyse the strengths or otherwise of the equality provision under the Constitution.

END