

1072

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**SEMESTER 1 Examinations, 2004/2005**

<b>Exam Code(s)</b>	2&3BL, 2&3CW, 3&4BA1 3BA6, 4BA8, 10A, 1EM, 1OL.
<b>Exams(s)</b>	2 <sup>nd</sup> & 3 <sup>rd</sup> LL.B 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts 3 <sup>rd</sup> Arts Public & Social Policy Occasional and Erasmus Students
<b>Module Codes(s)</b>	LW354
<b>Module(s)</b>	Media Law
<b>External Examiner(s)</b>	Dr C. Harvey
<b>Internal Examiner(s)</b>	Mrs. M. McGonagle
<b>Instructions</b>	Answer <b>THREE</b> questions only. All questions carry equal marks.
<b>Duration</b>	Time allowed <b>TWO HOURS</b> .
<b>Department</b>	Law
<b>Requirements:</b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	Visiting students whose first language is not English may use a dictionary.

PTO

1. Outline the legislative history of **EITHER** radio **OR** television broadcasting in Ireland and explain what you consider to be the key legal issues that arise in relation to broadcasting at present.
2. The fifteen-year-old son of an Olympian gold medallist has been caught in possession of drugs at school and has been suspended. His sister is the current national record holder in her sport. Their father has enjoyed many years of favourable publicity following his Olympic success and has long been to the forefront of a public campaign to keep drugs out of sport. Recently, however, he has been involved in a scuffle outside a pub and had an altercation with a cameraman who photographed him emerging from a meeting of Alcoholics' Anonymous.

Tom, a newspaper reporter, is sent out by the editor with a photographer to cover the story. Advise Tom as to the privacy implications, if any, of reporting the above information, which he has uncovered.

3. A television news report on a betting scam at a major horse-racing event stated that the scam had been masterminded by a leading Irish jockey and one of the best known horse trainers in the country. No names were given but it was stated that the scam centred around two horses from the same stable that had both been running on the day in question and that the Racing Board and gardai were investigating.

A trainer, who had two horses running that day, sued for defamation, as did the two jockeys retained to ride them.

Advise the television executives as to any defence that may be available if

- a) they are satisfied that the sources of the information are reliable and the information is true of the trainer, but
- b) in the case of the two jockeys, it was true they were involved in the scam but they did not mastermind it.

4. Suppose a review body has recently criticized the media for sensationalist and unfair coverage of court cases and you are asked to address journalists on the matter. Write a memo. explaining each of the following to them:
  - a) the relevant legal rules on court reporting, particularly those relating to contempt by prejudicing a fair trial;
  - b) the rationale for those legal rules;
  - c) the precautions reporters should take in reporting or commenting on court cases.

**PTO**

5. Answer **EITHER** a) **OR** b):

- a) Critically analyse the judgment of the European Court of Human Rights in any case involving the media that was decided in 2004. In your answer you should also assess the implications (if any) of the judgment for the media.

**OR**

- b) Critically analyse the current legal approach to racist comment in the media in Ireland, referring to decided cases, in Ireland or elsewhere, where appropriate.

6. Explain **ONE** of the following, referring to recent developments, decided cases or proposals for reform, where appropriate:

- i) The legal protection in respect of defamation arising in the course of a press conference or press release.
- ii) The constitutional principle of open justice as elucidated by the Supreme Court in *Irish Times & others v Judge Murphy* (1998).
- iii) The legal position in Ireland and under the ECHR regarding protection for journalists' sources.
- iv) Issues of public morals as justification for restricting media content.

The extent of the constitutional recognition of media rights and responsibilities in Ireland.

**END**