

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

**SEMESTER 1 Examinations, 2004/2005**

<b>Exam Code(s)</b>	2BA1, 2BA6
<b>Exams(s)</b>	2 <sup>nd</sup> Bachelor of Arts 2 <sup>nd</sup> Bachelor of Arts (Public & Social Policy)
<b>Module Codes(s)</b>	LW227
<b>Module(s)</b>	Constitutional Law I
<b>Paper No.</b>	
<b>Repeat Paper</b>	NO
<b>External Examiner(s)</b>	Professor Colin Harvey
<b>Internal Examiner(s)</b>	Mr. Donncha O'Connell
<b>Instructions</b>	Answer <b>TWO</b> questions All questions carry equal marks
<b>Duration</b>	<b>TWO</b> Hours
<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>	Bunreacht na hÉireann, 1937

PTO

1. "The citizenship referendum was a stealthy amendment of Article 2 of the Constitution by means of an enabling amendment to Article 9 and may not, in fact, have been necessary to effect a change in the legal basis of Irish citizenship". Discuss.
2. "The process of removing vestiges of the crown from the Irish Free State Constitution was a gradual one. To suggest that the Free State was sovereign in 1922 is untrue. This point has been lost on the judiciary with adverse consequences for constitutional jurisprudence". Discuss.
3. Analyse, with reference to decided cases, the following preliminary issues in constitutional litigation as potential hazards for a litigant wishing to challenge the constitutionality of legislation:
  - (a) the presumption of constitutionality and Double Construction Test;
  - (b) the rules regarding *locus standi*.
4. "The 'principles and policies rule' established in the *Cityview* case, although followed with some consistency, does not establish a sufficient safeguard against the excessive delegation of legislative power. This is especially the case in relation to the transposition of EU Directives but is also a problem with ordinary secondary legislation grounded in domestic law". Discuss.
5. "The distinction between commutative and distributive justice, as understood by the Irish judiciary, reduces the judicial law-making role to an unnecessary extent and is based on a view of the separation of powers doctrine that is not necessarily required by reference to the text or spirit of the Irish Constitution". Discuss with reference to decided cases.

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