

Constitutional Law & Judicial Review

Module Status: Mandatory Elective

Credit Rating: 7 Credit Level:

Pre-requisite Modules:	Co-requisite Modules:
Modules 1-6 or equivalent	
Total Contact Hours:	
Lecture: 24 hours	Independent Study: 116hours
Total Student Effort: 140 hours	

Module Aims

This module aims to:

- Ensure a knowledge of the history of Constitutional Law in Ireland.
- Foster an understanding of the fundamental principles and substantive rules of Constitutional Law.
- Engender an understanding of the legislative, judicial and executive functions of the State.
- Impart a broad knowledge of the provisions of the Constitution conferring rights upon the citizens of the State.
- Describe the way in which the Constitution may be amended.
- Briefly summarise the procedure for Judicial Review.

Module Learning Outcomes

On successful completion of this module, students should be able to:

- Recount the history of constitutional law in Ireland.
- Summarise the fundamental principles and substantive rules of constitutional law.
- Demonstrate an understanding of the legislative, judicial and executive functions of the State.
- Describe and differentiate the various grounds for judicial review.
- Apply constitutional law principles to a factual scenario.

Indicative Module Content

TOPICS	DESCRIPTION
History of Constitutional Law in Ireland	The nature and classification of constitutions; what a constitution usually contains; how to read a constitution; history of the Constitution in Ireland: 1800 – 1916; the Constitution of 1922; Bunreacht na hEireann, 1937.
The Nation and the State	The difference between the Nation and the State.
Separation of Powers	Article 6, organs of government: executive, legislative and judicial; non justiciability; the President, Article 26 references; judicial function; disciplinary tribunals.
Fundamental Rights	Express rights; unenumerated rights doctrine; balancing rights.
Judicial Review	Grounds for review; the rules of natural and constitutional justice; natural justice; reasonableness; <i>ultra vires</i> .

Teaching / Learning Methodology

This module will be delivered through a series of lectures, tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading.

Assessment

Students will be assessed on the basis of a practical piece of coursework (100%). This substantial piece of work will determine students' knowledge of the system of judicial review of administrative decisions in addition to assessing their ability to successfully conduct a judicial review case.

Required Reading

Griffith College Manual, *Constitutional Law and Judicial Review*, (Dublin: Clarus Press, updated annually)

Secondary Reading

Casey, James (2000) *Constitutional Law in Ireland (3rd Edition)*, Sweet & Maxwell.

Chubb Institute of Public Administration (1988) *The Constitution & Constitutional Change in Ireland*.

Chubb Institute of Public Administration (1991) *The Policies of the Irish Constitution, (3rd Ed)*.

De Blacam, Mark (2001) *Judicial Review*.

Doolan, Brian (1994) *Constitutional Law and Constitutional Rights in Ireland*, Gill & Macmillan.

Forde, Michael (1987 & 1993) *Constitutional Law in Ireland*, Mercier Press.

Government Publications (1998) *Full Text of the British/Irish Agreement dated the 10th day of April 1998*, Government Publications Sales Office, Dublin.

Kelly, JM, Gerard Hogan and Gerry Whyte (2004) *Kelly: The Irish Constitution*, 4th edition, Butterworths.

Hogan, Gerard and David Morgan (1998) *Administrative Law in Ireland*.