

Module : **Constitutional Law II**

Theme : **Public Law**

Aims

- To provide students with an appreciation of the substantive rules of Constitutional Law particularly in relation to unenumerated rights
- To develop students an understanding of the legislative, judicial and executive functions of the State.

Syllabus

- Personal rights
- Equality rights
- Historical background to such rights
- Constitutional change:
- Transitional amendment
- Referenda
- Amendments of the Constitution
- Judicial interpretation of the Constitution in a changing society
- Comparisons
- British & Irish Constitutional Law
- 1922 and 1937 Constitutions
- U.S. and Irish Constitutional Law
- The Constitution and the European Union
- Third Amendment to the Constitution and Article 29.4.3
- Fundamental rights in European Union Law
- EU Treaties – International Law or Constitutional Law

Workload

Contact	60 hours
Directed Learning Time	50 hours
Independent Learning Time	25 hours
Assessment Time	15 hours
Total	150 hours

Teaching and Learning Methods

The module will be presented by means of formal lectures. These will be supported by tutorials to clarify and deepen the students' appreciation of issues raised. Recent

constitutional amendments will be discussed and debated to set a context within which the impact of Constitutional Law on the lives of Irish citizens can be appreciated.

Integration and Linkage

The study of this particular module is underpinned by Constitutional Law I. Students will develop the principles established in the previous module. Knowledge of Constitutional Law also underpins the study of the Employment Law module in Stage II, and Human Rights Law in Stage III.

Learning Outcomes

On successful completion of the module, students will be able to:

- Critically evaluate the fundamental constitutional principles operating through the Constitution
- Apply their understanding of Irish Constitutional Law to legal cases
- Recognise the nature and effect of fundamental rights
- Debate the role of the Constitution in the protection of the citizen
- Identify the obligations of the State to the individual

Assessment

Coursework will account for 30% of the assessment marks. Typically, this coursework will take the form of an essay requiring students to appraise fundamental rights under the Constitution. A written examination will also be held on module completion accounting for 70% of the assessment marks. This examination will assess the students' ability to apply the principles of Irish Constitutional Law to hypothetical fact situations and to identify the constitutional issues which arise therein. The examination will also consist of essay-style questions designed to assess the students' evaluative and analytical skills.

Reading List

Essential

Hogan & Whyte, *Kelly's Irish Constitution*, 4th Edition, (2003, Dublin; Butterworths)

Casey, *Constitutional Law in Ireland*, 3rd Edition, (2000, Dublin; Round Hall)

Forde, *Irish Constitution*, (2004, Dublin; FirstLaw)

Morgan, *The Separation of Powers in the Irish Constitution*, (1997, Dublin; Round Hall Sweet & Maxwell)

Recommended

Chubb, *The Constitution & Constitutional Change in Ireland*, (1998, Dublin; Institute of Public Administration)

Chubb, *The Politics of the Irish Constitution*, 3rd Edition, (1991, Dublin; Institute of Public Administration)

Morgan, *The Belfast Agreement: A Practical Legal Analysis*, (2000, London; The Belfast Press)

Morgan, *A Judgment too Far? Judicial Activism and the Constitution* (2001, Cork; Cork University Press)

Ó Cearúil, *Bunreacht Na hÉireann: A Study of the Irish Text*, (1999, Dublin; The Stationary Office)

Ryan, *Constitutional Law: Essential Text*, (2001, Dublin; Round Hall).