

Module 6 Constitutional Law and Judicial Review

Stage	1						
Semester	2						
Module Title	Constitutional Law and Judicial Review						
Module Number	6						
Module Status	Mandatory						
Module ECTS Credits	5						
Module NFQ level	Level 7						
Pre-Requisite Module Titles	n/a						
Co-Requisite Module Titles	n/a						
Capstone Module?	No						
List of Module Teaching Personnel	Edward Mathews						
Contact Hours				Non-contact Hours			Total Effort (hours)
21				79			100
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
15		6				79	100
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination	Total		
Percentage Contribution		40		60	100		

Intended Module Learning Outcomes

Upon successful completion of this module, learners should be able to:

1. Explain the fundamental principles and substantive rules of constitutional law.
2. Discuss the legislative, judicial and executive functions of the State.
3. Describe and define the various grounds for judicial review.
4. Describe the procedural aspects of the judicial review process.
5. Explain the impact of the European Convention on Human Rights on Irish Constitutional law.
6. Apply principles of constitutional law to a factual scenario.

Module Objectives

This module aims to:

- Develop an understanding of the fundamental principles and substantive rules of Constitutional Law.
- Develop an understanding of the impact of the European Convention on Human Rights on Irish Constitutional Law
- Build 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 and describe the way in which the Constitution may be amended.
- Develop learner knowledge of the grounds for, and procedure associated with, Judicial Review proceedings.

Module Curriculum

TOPICS	DESCRIPTION
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 and the impact of the European Convention on Human Rights	Express rights; un-enumerated rights doctrine; balancing rights. The ECHR and the effect of incorporation of core rights into domestic law
Judicial Review	Grounds for review; the rules of natural and constitutional justice; natural justice; reasonableness; <i>ultra vires</i> .

Reading lists and other learning materials

1. Griffith College Manual, *Constitutional Law and Judicial Review*, (Dublin: Clarus Press, updated annually)
2. De Blacam, *Judicial Review* (2009, Dublin; Butterworths)
3. Delany, *Judicial Review of Administrative Action* (2013, Dublin; Round Hall)
4. Doyle, *Constitutional Law: Text, Cases and Materials* (2008, Clarus Press, Dublin)

5. Forde, *Constitutional Law of Ireland*, (2013, Dublin; Bloomsbury Professional)
6. Hogan & Morgan, *Administrative Law in Ireland* (2010, Dublin; Round Hall)
7. Hogan & Whyte, *Kelly's Irish Constitution*, (2003, Dublin; Butterworths)
8. Morgan, *The Separation of Powers in the Irish Constitution*, (1997, Dublin; Round Hall)
9. Morgan, *A Judgment too Far? Judicial Activism and the Constitution* (2001, Cork; Cork University Press)
10. Morgan, *A Judgment too Far? Judicial Activism and the Constitution* (2001, Cork; Cork University Press)
11. Ryan, *Constitutional Law: Essential Text*, (2008, Dublin; Round Hall)

Module Learning Environment

Accommodation

In line with other higher education awards offered by the College, the Special Purpose Diploma in Legal Studies and Practice, will provide reasonably comparable resources and accommodation requirements, all of which can be met by facilities on campus.

At the moment, a base classroom is used for teaching purposes at both the Dublin and Cork campuses. Participants also have access to online teaching resources and Moodle¹ and an e-learning studio. It is not proposed that these arrangements be changed as they are continuing to operate successfully.

In addition, all lectures are recorded and posted on the relevant Moodle page, providing students with the opportunity to watch lectures at a later date if they are unable to attend the lecture or wish to review the lecture.

Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an ongoing basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all courses run by Griffith College.

Equipment, Information & Communication Technology

The College is already fully resourced with the necessary teaching equipment – such as a base class room fully equipped with PC, audio and visual presentation facilities and projectors.

Further resources such as video recording equipment are also available for use on the programme. Participants may also use the College’s other computer labs, open labs and the e-learning studio. The College’s IT Services Department and the Lecturer Support Unit also support this process by continually updating classrooms and PC labs. Proposals for the acquisition of new technologies are made to the IT Services Department and to the Director of Academic Programmes, so that academic and technical issues are considered.

Extensive use is also made of the Moodle VLE for posting lecture notes and other relevant material used for study and revision. With the aid of data projectors, these can form the basis of lecture presentations.

¹ Moodle is Griffith College’s current Virtual Learning Environment (VLE)

Module Teaching and Learning Strategy

This module will be delivered through a series of lectures and tutorials.

This module comprises of twenty-one contact hours, being fifteen lecture hours, five tutorial hours and one revision/exam preparation class.

Each class will comprise three hours of lectures and a one-hour tutorial.

Tutorials will comprise the review of past exam papers, class discussions, group work sessions and exercises.

Lectures and tutorials will be supplemented by structured web-based resources and reading.

Module Assessment Strategy

Theoretical knowledge will be assessed at the end of the module by examination (60%), the purpose of which is to enable learners to become accustomed to undertaking extended examinations which are a traditional method of assessment commonly used in law-based degrees on the National Framework of Qualifications and in the sphere of professional legal training. The examination will consist of a mixture of essay style questions, which place emphasis on the learners demonstrating academic legal knowledge as well as discursive legal writing skills, and problem style questions which assess the learner's ability to apply the law to practical factual scenarios. Formative assessment will be provided in the form of interactive exercises such as mini quizzes or directed class discussion topics.

The examination will be supplemented by an Assignment worth 40% of the overall grade enabling learners to utilise their learning from class based work and to develop their legal research, problem solving, independent learning, initiative skills and professional analytical capacity. The Assignment focuses on a matter of practical importance in the field of the Irish Constitutional Law.

Sample Assessment with Rubrics

See Sample Assessments attached.