

## 6.1 Module 5: Constitutional Law and Judicial Review

<b>Module title</b>			
Constitutional Law and Judicial Review			
<b>Module NFQ level</b> (only if an NFQ level can be demonstrated)	<b>Module number / reference</b>	<b>ECTS Value</b>	<b>Duration</b>
Level 7	DLSP-CLJR	5 ECTS	8 weeks
<b>Parent programme(s).</b> Principal programme title, and embedded(s) if relevant		<b>Stage of parent programme</b>	<b>Semester No.</b>
Diploma in Legal Studies and Practice		Award Stage	Block 2
Certificate in Legal Studies		Award Stage	Block 2
<b>Teaching and Learning modes</b>	<b>Proportion</b> (% of Total Directed Learning)		
Classroom / Face to Face	20%		
Workplace	-		
Online	-		
Other (Identify)	80% (independent study)		
<b>Entry requirements (statement of knowledge, skill and competence)</b>			
Learners must comply with and meet programme entry requirements.			
<b>Maximum number of learners per instance of the module</b>	80 learners		
<b>Average (over the duration of the module) of the contact hours per week</b>	4 hours		
<b>Pre-requisite module title(s) (if any)</b>	n/a		
<b>Co-requisite module title(s) (if any)</b>	n/a		
<b>Is this a capstone module? (Yes or No)</b>	No		
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>			
Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector.			
<b>Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.</b> (Staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)			
<b>Role e.g. Tutor, Mentor etc.</b>	<b>Qualifications &amp; experience required:</b>	<b># of Staff with this profile (WTEs)</b>	
Lecturer	Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.	0.2 WTE	

<b>Analysis of required learning effort</b>		
<b>*Effort while in contact with staff</b>	<b>Minimum ratio teacher / learner</b>	<b>Hours</b>
Classroom and demonstrations	1:80	21
Mentoring and small-group teaching	-	-
Other (specify)	-	-
<b>Independent Learning</b>		
Directed e-learning (hours)		-

Independent Learning (hours)	104
Other hours (specify)	-
Work-based learning hours of learning effort	-
<b>Total Effort (hours)</b>	<b>125</b>

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	40%			60%	100%

### 6.1.1 Module aims and objectives

This module aims to develop an understanding of the fundamental principles and substantive rules of Constitutional Law and the impact of the European Convention on Human Rights on Irish Constitutional Law. It complements the Introduction to Irish Legal System module insofar as it deepens learners' knowledge of the separation of powers and the respective functions of the legislative, judicial and executive functions of the State. It fosters critical thinking by challenging learners to assess the current state of Constitutional law and suggest ways in which the Constitution may be amended. Finally, it develops learner knowledge of the grounds for, and procedure associated with, Judicial Review proceedings.

### 6.1.2 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) Discuss the fundamental principles and substantive rules of Constitutional Law.
- (ii) Communicate the impact of the European Convention on Human Rights on Irish Constitutional Law
- (iii) Discuss the legislative, judicial and executive functions of the State.
- (iv) Conceptualise the provisions of the Constitution conferring rights upon the citizens of the State and describe the way in which the Constitution may be amended.
- (v) Know the grounds for, and procedure associated with, Judicial Review proceedings.

### 6.1.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The module provides learners with an overview of key legal principles and an understanding of Irish Constitutional Law and Judicial Review. All laws derive their validity ultimately from the Constitution and therefore an understanding of how it operates is vital to understanding the law in general. In that context this module supports the achievement of MIPLO I.

The module builds upon the legal research and writing skills that learners will already have acquired in Block 1 and challenges them to apply their legal knowledge to Constitutional problems and exercises. In that context this module supports the achievement of MIPLOs II and IV.

Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of MIPLO VI. By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

The area of Constitutional law involves controversial interpretation methods, referendums and case law. As such, any study of the topic involves a debate of the social and political impacts of Constitutional changes. In that context this module supports the achievement of MIPLO VIII.

#### 6.1.4 Information provided to learners about the module

Learners enrolled on this module initially receive a copy of the module descriptor, module learning outcomes, lecture plan, assessment briefs, assessment strategy and recommended reading list. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources.

Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

#### 6.1.5 Module content, organisation and structure

This is a 5 ECTS credit module taught over an 8 week Block. This Block includes 5 lectures (of 4 hour duration); one revision class; two reading weeks; and an exam week. Specifically, the topics covered are as follows:

TOPIC	DESCRIPTION
<b>Introduction and Sources of Law</b> 4 hours, 19%	This lecture examines: <ul style="list-style-type: none"><li>• Introduction</li><li>• Important Issues in Constitutional Law</li><li>• Definition of the “Nation”, the “People” and the State.</li><li>• The Separation of Powers</li><li>• The Separation of Powers: The Executive Power</li></ul>
<b>Separation of powers: the Legislature and the Judicial Power</b> 4 hours, 19%	<ul style="list-style-type: none"><li>• The legislative power (Article 15)</li><li>• The executive power (Article 28)</li><li>• The judicial power (Article 34)</li></ul>
<b>Fundamental Rights in the Irish Constitution</b> 4 hours, 19%	<ul style="list-style-type: none"><li>• Unenumerated Rights (Article 40.3)<ul style="list-style-type: none"><li>○ Right of access to the courts</li><li>○ Right to criminal legal aid</li><li>○ Right to travel</li><li>○ Right to privacy</li></ul></li><li>• Equality (Article 40.1)</li></ul>
<b>Fundamental Rights in the Irish Constitution</b> 4 hours, 19%	This lecture examines: <ul style="list-style-type: none"><li>• Freedom of Expression</li><li>• The Family</li><li>• Religion</li></ul>

<p><b>Judicial Review</b> 4 hours, 19%</p>	<p>This lecture examines:</p> <ul style="list-style-type: none"> <li>• Nature of Judicial Review;</li> <li>• The history and development of judicial review;</li> <li>• The power to review a lower court or decision making body</li> <li>• Principles of judicial review</li> <li>• Distinction between appeal and judicial review</li> <li>• Unreasonableness</li> <li>• Remedies</li> <li>• Procedure</li> </ul>
<p><b>Revision &amp; Preparation</b> 1 hour, 5%</p>	<p>This session will provide a revision class for learners with exam preparation guidance and assistance.</p>

### 6.1.6 Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures. Learners engage with the module either in class; online via the online streaming option or via recorded lectures. On Moodle, virtual learning environment, the lecturer can interact with learners via the class discussion forum and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. The module comprises of 21 contact hours, being 20 lecture hours and one revision/exam preparation class. Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### 6.1.7 Work-based learning and practice-placement

There is no work-based learning or practical placement in the module.

### 6.1.8 E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### 6.1.9 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### 6.1.10 Reading lists and other information resources

#### Primary Reading

*Kelly: the Irish Constitution* (5<sup>th</sup> ed., 2019)

Forde, *Constitutional Law* (3<sup>rd</sup> ed., 2013)

Casey, *Constitutional Law in Ireland* (3<sup>rd</sup> ed., 2000)

### 6.1.11 Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### 6.1.12 Module summative assessment strategy

Theoretical knowledge is assessed at the end of the module by examination (worth 60% of overall grade), 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 NFQ and in the sphere of professional legal training.

The examination consists of a mixture of essay-style questions and problem-style questions. The former emphasises the demonstration of effective academic writing and an analysis of key concepts or topics on the programme. Problem-style questions are aimed at assessing the learner's ability to apply the law to practical, factual scenarios.

The examination is supplemented by an assignment (40% of overall grade). The assessment components are aimed at enabling learners to use the legal research and academic writing skills taught in class and to apply same in a practical way. The following table indicates the module's learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Exam	(i) to (v)	60
2	Essay	(i), (ii), (v)	40

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing the assignment required of this module, they will be required to submit a new, individual, repeat attempt which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### 6.1.13 Sample assessment materials

Please see sample assessment supplementary document.