

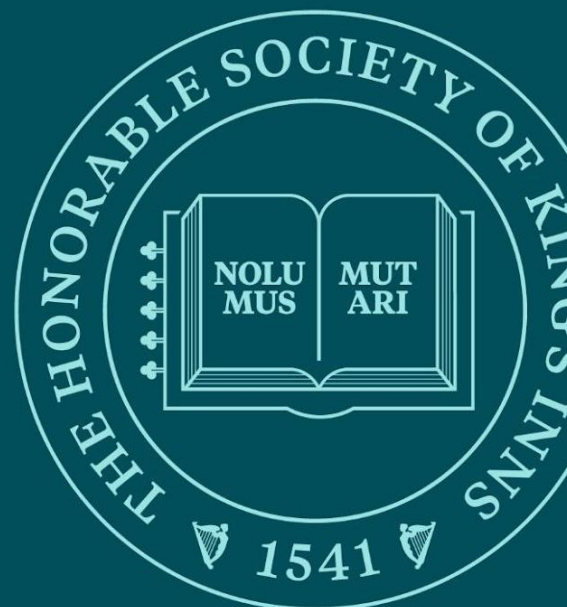
DEGREE OF BARRISTER-AT-LAW ENTRANCE

EXAMINATION 2026 IRISH CONSTITUTIONAL LAW

OFFICE OF THE REGISTRAR

3 JUNE 2026

**KINGS**  
**INNS**<sup>15</sup><sub>41</sub>

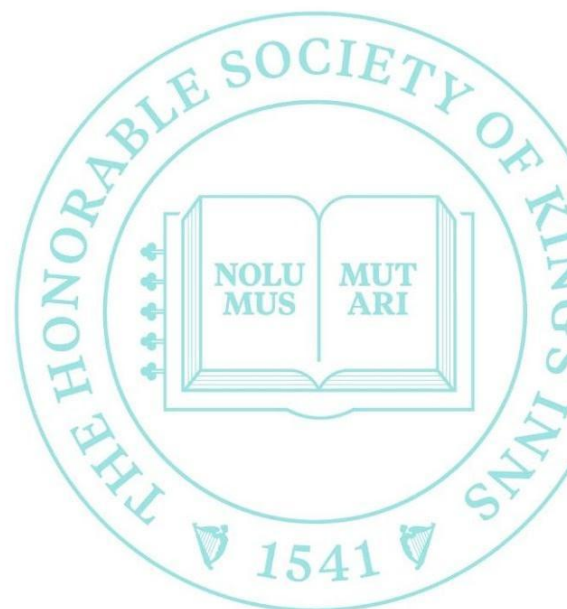


# CONTENTS

|                                |    |
|--------------------------------|----|
| Syllabus and Reading List 2026 | 3  |
| Examination Format 2026        | 23 |

**EXAMINER:** MR JOHN O'DOWD (UCD)

**EXTERN:** THE HON MR JUSTICE GERARD HOGAN



# IRISH CONSTITUTIONAL LAW

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## Syllabus and Reading List 2026.

### TEXTS AND TEXTBOOKS

All students should have a copy of Bunreacht na hEireann/Constitution of Ireland; an up-to-date (January 2020) official text (in both languages) is available at:

<https://www.gov.ie/en/publication/d5bd8c-constitution-of-ireland/>

This includes the eight most recent amendments—

1. Twenty-Ninth Amendment of the Constitution (Judges' Remuneration) Act 2011
2. Thirtieth Amendment of the Constitution (Treaty on Stability, Co-ordination, and Governance in the Economic and Monetary Union) Act 2012
3. Thirty-third Amendment of the Constitution (Court of Appeal) Act 2013
4. Thirty-first Amendment of the Constitution (Children) Act 2012
5. Thirty-fourth Amendment of the Constitution (Marriage Equality) Act, 2015
6. Thirty-sixth Amendment of the Constitution Act 2018
7. Thirty-seventh Amendment of the Constitution (Repeal of offence of publication or utterance of blasphemous matter) Act 2018
8. Thirty-eighth Amendment of the Constitution (Dissolution of Marriage) Act 2019

There is no amendment entitled the Thirty-second or the Thirty-fifth Amendment of the Constitution.

Students may usefully refer to:

Hogan, Whyte, Kenny and Walsh, *Kelly: The Irish Constitution* (Bloomsbury Professional, 2018, 5<sup>th</sup> edition)

Doyle and Hickey, *Constitutional Law: Text, Cases and Materials* 2nd edition (Clarus Press, 2019) and Doyle, *The Constitution of Ireland: A Contextual Analysis* (Hart Publishing, 2018) are also useful.

The *Report of the Constitution Review Group* (Government Publication.1996, Pn. 2632) remains a useful source.

For an archived copy of the Report, see:

<https://web.archive.org/web/20110721123125/http://www.constitution.ie/reports/crg.pdf>

The *1st Report of the All-Party Oireachtas Committee on the Constitution* (Pn. 3795, April 1997) provides a valuable overview of and response to the CRG Report.

The focus of the examination will be on key constitutional principles: the separation of powers; principles of judicial review; the Oireachtas, Government and President, and the key fundamental rights contained in Articles 38 and 40-44.

Some basic knowledge of relevant ECHR case-law is also expected.

This (comparatively) lengthy reading-list is designed to assist rather than to intimidate! Obviously, a good knowledge of the case-law is essential, but the ability of students to identify the issues; to reason by analogy, and to apply the legal principles to the facts are also very important.

**The citation of Irish cases has been confined to those more recent decisions—Irish or European, generally ones not dealt with in the discussion of the relevant topics in Kelly, Hogan and Whyte *The Irish Constitution* (5th ed.) That does not mean that earlier cases are not still be just as relevant.**

The examination itself will be three hours in duration. Every effort will be made to ensure that the examination fairly reflects the syllabus, though not all topics will be examined each year. The examination is designed to bring out the best in each student, rather than to trip you with “trick” questions or questions with an unduly narrow focus. However, you should expect that some, at least, questions will combine material emanating from different topics.

Students must answer **three questions out of five.**

**Question 1 is compulsory** and carries **50 marks.**

Each of the other questions carries **25 marks.**

Note: “MJLER” stands for Minister for Justice, Equality and Law Reform; “MJE” stands for Minister for Justice and Equality”; “MJLR” stands for “Minister for Justice and Law Reform”.

Where there is a reference in what follows to the neutral citation of a case, that includes all the judgments delivered; for instance, a reference to [2023] IESC 7 is a reference to the judgments of Charleton, Hogan, and Murray JJ in that case.

## **Topic 1: The Separation of Powers**

### ***The Executive Power***

Article 28.1 -2

Hogan, Whyte, Kenny and Walsh, *Kelly: The Irish Constitution*, pp. 164-170 and **510-516**; **Doyle and Hickey, pp. 228-241**

Marques v MJE [2019] IESC 16 (20 March)  
Damache v MJE [2020] IESC 63 (14 October)  
Kelly v Minister for Agriculture [2021] IESC 23 (30 March)  
Burke v Minister for Education [2022] IESC 1 (24 January)  
Dowdall v DPP [2022] IESC 36 (29 July)  
Re Judicial Appointments Commission Bill 2022 [2023] IESC 34 (8 December)  
Re M McD (A Child) [2024] IESC 6 (28 February)  
A v B & Garda Commissioner [2024] IECA 95 (26 April)  
Murphy v Standards in Public Office Commission [2024] IEHC 374 (21 June)  
Chain wen Wei v Minister for Justice [2024] IESC 58 (19 December)  
Daly v An Taoiseach [2025] IEHC 729 (19 December)  
Murphy v An Taoiseach [2025] IEHC 730 (19 December)

### ***The Executive Power: International Relations***

Article 29.4

Hogan, Whyte, Kenny and Walsh, pp. 567-581  
**Doyle and Hickey, pp. 201-213**

Pringle v Government of Ireland [2012] IESC 47 (19 October)  
Costello v Government of Ireland [2022] IESC 44 (11 November)  
Craughwell v Government of Ireland [2025] IECA 63 (18 March)

### ***The President***

Articles 1-2-14 and 26

Right to Know CLG v Commissioner for Environmental Information [2022] IESC 19 (29 April)  
Byrne v An Tánaiste [2025] IEHC 565 (20 October)  
Stack v AG [2025] IEHC 561 (23 October)

### ***The Houses of the Oireachtas***

Articles 15, 17 and 20

**Doyle and Hickey, pp. 141-165 and 190-191**

Kerins v McGuinness [2019] IESC 11 (27 February)  
O'Brien v Clerk of Dáil Éireann [2019] IESC 12 (5 March)  
Smith v An Ceann Comhairle [2019] IEHC 746 (6 November)

Kerins v Dáil Éireann [2022] IEHC 489 (29 July)  
Kerins v Dáil Éireann [2024] IESC 24 (18 June)

### ***Seanad Éireann***

Bacik v An Taoiseach [2020] IEHC 313 (29 June)  
Heneghan v Minister for Housing [2023] IESC 7 (31 March)  
Feeny v Groves [2025] IEHC 633 (22 October)

### ***Legislative Power and the Executive (Separation of Powers)***

**Doyle and Hickey, pp. 173-189**

Friends of the Irish Environment Ltd v Minister for Communications, Climate Action and Environment [2019] IEHC 646 (20 September)  
Smith v An Ceann Comhairle [2019] IEHC 746 (6 November)  
NECI v Labour Court [2021] IESC 36 (18 June)  
DPP v District Judge McGrath [2021] IESC 66 (21 September)

Right to Know CLG v An Taoiseach [2023] IECA 68 (24 March)  
Harte v Superior Court Rules Committee [2023] IEHC 192 (17 April)  
W(W) v Minister for Justice [2023] IECA 138 (2 June)  
Delaney v Personal Injuries Assessment Board [2024] IESC 10 (9 April)  
Ring v Minister for Health [2024] IEHC 323 (31 May)  
Conway v An Bord Pleanála [2024] IESC 34 (23 July)  
Gearty v DPP [2024] IESC 45 (17 October)  
Mulreaney v DPP [2024] IESC 50 (11 November)

### ***Obligation to translate primary legislation and certain statutory instruments***

Glann Mór Céibh Teo v v An t-Aire Tithíochta, Pleanáil 7 Rialtas Aitiúil [2022] IESC 40 (1 Samhain)

### ***Legislative Power and the Judiciary (Separation of Powers)***

#### ***The Judicial Power***

Articles 34-38

Hogan, Whyte, Kenny and Walsh, pp. 693-726, 782-848  
**Doyle and Hickey, pp. 219-228**

Damache v MJE [2020] IESC 63 (14 October)  
Zaleski v Adjudication Office [2021] IESC 24 (6 April)  
Mulreaney v DPP [2024] IESC 50 (11 November)

## ***Juridical (or judicial) sovereignty***

Costello v Government of Ireland [2022] IESC 44 (11 November)

## ***Judicial Power and the Legislature (Separation of Powers)***

Delaney v Personal Injuries Assessment Board [2024] IESC 10 (9 April)

### ***What is Judicial Power?***

#### ***Sentencing & Detention:***

G(M) v Director of Oberstown Children Detention Centre [2019] IEHC 275 (3 May)

Ellis v MJE [2019] IESC 30 (15 May)

DPP v Graham [2023] IECA 168 (19 May)

Galvin v DPP [2024] IECA 256 (29 July) (but see [2025] IESC 35 (17 July))

DPP v CC [2025] IESC 11 (13 March)

#### ***Freezing and Forfeiture***

See Hogan, Whyte, Kenny and Walsh, pp. 1354-55

#### ***Damages***

Delaney v Personal Injuries Assessment Board [2024] IESC 10 (9 April)

### ***What is a limited function or power of a judicial nature?***

Zalewski v Adjudication Office [2021] IESC 24 (6 April)

Morgan v Labour Court [2025] IECA 2 (14 January)

## **Topic 2: Personal Rights**

Hogan, Whyte, Kenny and Walsh, pp. 1453-1524, 1683-92, 1775-78; **Doyle and Hickey, pp. 358--394**; Constitution Review Group ("CRG") Report pp. 213-219

O(ME) (Nigeria) v MJELR [2012] IEHC 448 (2 November)

Y(Y) v MJE [2017] IESC 61 (27 July)

M(IR) v MJE [2018] IESC 14 (7 March)

Friends of the Irish Environment v Government of Ireland [2020] IESC 49 (31 July)

Fox v Minister for Justice [2021] IESC 61 (14 September)

Burke v Minister for Education [2022] IESC 1 (24 January)

Kirwan v O'Leary [2023] IESC 27 (29 November)

Re M McD (A Child) [2024] IESC 6 (28 February)

## ***Doctrine of Proportionality***

See Hogan, Whyte, Kenny and Walsh, pp. 1477-1507

P v MJE [2019] IESC 47 (31 May)  
DPP v Molloy [2021] IESC 44 (19 July)  
Burke v Minister for Education [2022] IESC 1 (24 January)  
Tallon v DPP [2022] IEHC 322 (2 June)  
Donnelly v Minister for Social Protection [2022] IESC 31 (4 July)  
O'Doherty v Minister for Health & Ors [2022] IESC 32 (5 July)  
W(C) v Minister for Justice [2023] IESC 22 (28 August)  
Egan v Governor of Cloverhill Prison [2024] IECA 111 (7 May)

## ***Right to earn a livelihood***

Hogan, Whyte, Kenny and Walsh, pp. 1699-1713

Morrissey v Minister for Defence [2018] IEHC 672 (30 November)  
Muldoon v Minister for Environment [2023] IECA 61 (16 March)  
Student A v Trinity College Dublin [2026] IEHC 54 (6 February)

## ***Fair procedures***

Hogan, Whyte, Kenny and Walsh, pp. 1330-32, 1568-72, 1759-61

M(LS) (n.f. M(K)) v Child and Family Agency [2018] IECA 385 (5 December)  
Shatter v Guerin [2019] IESC 9 (26 February)  
Kelly v Dublin City Council [2019] IESC 56 (29 May)  
P v MJE [2019] IESC 47 (31 May)  
Damache v MJE [2020] IESC 63 (14 October)  
Kelly v Minister for Agriculture [2021] IESC 23 (30 March)  
Zalewski v Adjudication Office [2021] IESC 24 (6 April)  
Ivers v Commissioner of An Garda Síochána [2022] IECA 206 (18 August)  
F(T) v MJE [2023] IECA 183 (20 July)  
K(S) v Minister for Justice [2023] IECA 309 (12 December)  
D(M) v Board of Secondary School [2024] IESC 11 (10 April)  
Maher v Dublin City Council [2024] IESC 14 (11 April)  
Egan v Governor of Cloverhill Prison [2024] IECA 111 (7 May)

## ***Right to Travel***

Hogan, Whyte, Kenny and Walsh, pp. 1761-63

## ***Access to the courts***

Hogan, Whyte, Kenny and Walsh, pp. 1729-59  
Doyle and Hickey, pp. 387-391

EC v Ireland [2025] IECA 55 (6 March)  
M v M [2026] IESC 2 (23 January)

## ***Privacy and Sexuality***

Hogan, Whyte, Kenny and Walsh, pp. 1713-29

Muwema v Facebook Ireland Ltd [2018] IECA 104 (19 April)

Barry v Governor of Midlands Prison [2018] IEHC 279 (11 May)

DPP v McDonnell [2018] IECA 189 (28 June)

Dwyer v Commissioner of An Garda Síochána [2018] IEHC 685 (6 December)

Criminal Assets Bureau v Mannion [2018] IEHC 729 (17 December)

McMorrow v Governor of The Midlands Prison [2018] IEHC 765 (21 December)

DPP v v Brown [2018] IESC 67 (21 December)

P v Judges of the Circuit Court [2019] IESC 26 (30 April)

DPP v Doherty [2019] IECA 209 (31 May)

Dwyer v Commissioner of An Garda Síochána [2020] IESC 4 (24 February)

Akram v MJE [2022] IECA 108 (12 May)

K(M) (Albania) v MJE [2022] IESC 48 (24 November)

Hyland v Commissioner of An Garda Síochána [2025] IESC 43 (6 November)

## ***Personal identity***

Habte v MJE [2020] IECA 22 (5 February)

Doe v Commissioner of An Garda Síochána [2025] IESC 44 (7 November)

## ***Conscientious objection***

E(G) v Refugee Appeals Tribunal [2018] IEHC 564 (15 October)

## ***Protection of “the person” and the right to bodily integrity***

Hogan, Whyte, Kenny and Walsh, pp. 1666-69

Simpson v Governor of Mountjoy Prison [2019] IESC 81 (14 November)

W(L) & L(R) v Health Service Executive [2023] IEHC 48 (2 February)

H v International Protection Appeals Tribunal [2024] IEHC 699 (6 December)

O'Brien v Governor of Cork Prison [2025] IEHC 56 (5 February)

## ***Dwelling***

DPP v Hannaway [2021] IESC 31 (4 May)

Clare County Council v McDonagh [2022] IESC 2 (31 January)

DPP v Behan [2022] IESC 23 (30 May)

DPP v Quirke [2023] IESC 5 (20 March)

Pepper Finance Corporation (Ireland) DAC v Persons Unknown [2023] IESC 21 (31 July)

## ***Right to Life***

Hogan, Whyte, Kenny and Walsh, pp.1652-64

M(IR) v MJE [2018] IESC 14 (7 March)  
In the matter of JJ (Unapproved) [2021] IESC 1 (22 January)  
Fox v Minister for Justice [2021] IESC 61 (14 September)

Thirty-sixth Amendment of the Constitution Act 2018  
Health (Regulation of Termination of Pregnancy) Act 2018

### ***Protection of the environment***

Merriman v Fingal County Council [2017] IEHC 695 (21 November)  
Friends of the Irish Environment v Government of Ireland [2020] IESC 49 (31 July)  
Coolglass Wind Farm Ltd v An An Coimisiún Pleanála [2026] IESC 5 (4 February)

## **Topic 3: Property Rights**

Hogan, Whyte, Kenny and Walsh, pp. 2347-2455; CRG Report pp. 357-367

**Doyle and Hickey, pp. 519-545**

All-Party Oireachtas Committee on the Constitution, Ninth Progress Report: Private Property (2004, Pn 2218)

### ***General Principles***

Re Lisa Parkin (a debtor) [2019] IEHC 56 (4 February)  
Crofton Buildings Management CLG v An Bord Pleanála [2022] IEHC 704 (20 December)  
Maher v Dublin City Council [2024] IESC 14 (11 April)

### ***Interference with property rights and compensation***

Barry v Ennis Property Finance DAC [2018] IEHC 766 (21 December)  
ESB v Good [2025] IESC 27 (5 June)

### ***Measures with retrospective effect***

Delaney v Personal Injuries Assessment Board [2024] IESC 10 (9 April)  
Cave Projects Ltd v Gilhooley [2025] IESC 3 (28 January)

## **Topic 4: Freedom of expression, freedom of assembly freedom of association**

Hogan, Whyte, Kenny and Walsh, pp. 2061-2121; CRG Report, pp. 291-304  
**Doyle and Hickey, pp. 430-455**

Carolan and O'Neill, *Media Law in Ireland* 2<sup>nd</sup> ed (Dublin, 2019) Ch. 2

## **Expression: General Principles**

DPP v Independent News and Media plc [2018] IECA 301 (10 October)  
Start Mortgages DAC v Gilroy [2021] IECA 147 (18 May)  
Higgins v Irish Aviation Authority [2022] IESC 13 (7 March)  
Tallon v DPP [2022] IEHC 322 (2 June)  
Corcoran v Commissioner of An Garda Síochána [2023] IESC 15 (22 June)  
Bird v Iconic Newspapers [2025] IESC 30 (10 July)

## **Article 10 - ECHR**

Murphy v Ireland (2004) 38 EHRR 13  
Pedersen and Baadsgaard v Denmark (No 2) (2006) 42 EHRR 486  
Independent News and Media & Independent Newspapers Ireland Ltd v Ireland (2006) 42 EHRR 1024  
Lindon v France [2007] ECHR 836 (22 October)  
Sanoma Uitgevers BV v The Netherlands [2009] ECHR 994 (31 March) (under referral to the Grand Chamber)  
Financial Times Ltd v United Kingdom [2009] ECHR 2065 (15 December)  
Von Hannover v Germany (No 2) [2012] ECHR 228 (7 February)  
Axel Springer AG v Germany [2012] ECHR 227 (7 February)  
Aksu v Turkey [GC] [2012] ECHR 445 (15 March)  
Mouvement raëlien suisse v Switzerland [GC] (2013) 56 EHRR 14 (13 July)  
PETA Deutschland v Germany [2012] ECHR 1888 (8 November)  
Animal Defenders International v UK [GC] [2013] ECHR 362 (22 April)  
Independent Newspapers (Ireland) Ltd v Ireland [2017] ECHR 567 (15 June)  
Mándli v Hungary [2020] ECHR 337 (26 May)  
Big Brother Watch v UK [2021] ECHR 439 (25 May)  
Standard Verlagsgesellschaft mbH v Austria (no 3) [2021] ECHR 1029 (7 December)  
Yefimov v Russia [2021] ECHR 1028 (7 December)  
Macatė v Lithuania [2023] ECHR 69 (23 January 2023)

## **Freedom of Association**

Hogan, Whyte, Kenny and Walsh, pp. 2135-68; CRG Report, pp. 312-317  
[Doyle and Hickey, pp. 456-470](#)

Lynch, "Lawyers and Unions—The Right to Freedom of Association in the Irish Constitution" in Murphy and Twomey eds., Ireland's Evolving Constitution 1937-1997: Collected Essays (Hart Publishing, 1998)

K(M) (Albania) v MJE [2022] IESC 48 (24 November)  
DPP v Smith [2023] IECA 98 (8 March)  
HA O'Neil Ltd v Unite the Union [2024] IESC 8 (6 March)

## **Article 11 - ECHR**

Refah Partisi (Welfare Party) v Turkey (2003) 37 EHRR 1  
ASLEF v UK [2007] ECHR 184 (27 February)  
Demir and Baykara v Turkey (2009) 48 EHRR 54 (12 November 2008)  
Redfearn v UK [2012] ECHR 1878 (6 November)

See also: Evaldsson v Sweden [2007] ECHR 129 (13 February)

### ***Freedom of assembly***

O'Doherty v Minister for Health & Ors [2022] IESC 32 (5 July)

## **Topic 5: Equality before the Law - Article 40.1**

Hogan, Whyte, Kenny and Walsh, pp. 1561-1643; CRG Report, pp. 220-243

### ***General Principles***

Shaw v MJE [2018] IEHC 288 (9 March)

Buck v Governor of Portlaoise Prison [2018] IEHC 354 (3 October)

G(M) v Director of Oberstown Children Detention Centre [2019] IEHC 275 (3 May)

O v Minister for Social Protection [2019] IESC 82 (21 November)

B v Director of Oberstown [2020] IESC 18 (29 April)

M (Suing by His mother and next friend J) v Director of Oberstown [2020] IECA 249 (18 September)

Údarás Uchtála v M [2020] IESC 64 (19 October)

A v MJE [2020] IESC 70 (8 December)

Braney v Special Criminal Court [2021] IESC 7 (12 February)

Quinn v Commissioner of An Garda Síochána [2022] IEHC 230 (11 April)

Donnelly v Minister for Social Protection [2022] IESC 31 (4 July)

O v Minister for Justice [2022] IEHC 617 (9 November)

A, B, C (a minor) v Minister for Foreign Affairs and Trade [2023] IESC 10 (9 May)

O'Meara v Minister for Social Protection [2024] IESC 1 (22 January)

LT v DPP [2024] IEHC 224 (18 April)

B (a minor) v Minister for Education [2024] IEHC 313 (29 May)

Lordan v Minister for Social Protection [2024] IEHC 418 (9 July)

Sibanda v MJE [2024] IECA 206 (30 July)

M v Ireland [2024] IEHC 523 (2 September)

EL v Minister for Justice [2024] IEHC 647 (12 November)

X v Minister for Foreign Affairs [2025] IEHC 214 (11 April)

ZG and EW v Ireland [2025] IESC 49 (26 November)

Jones v Minister for Public Expenditure [2026] IEHC 19 (19 January)

Brophy v DPP [2026] IESC 7 (10 February)

### ***Sex-based Discrimination***

See Hogan, Whyte, Kenny and Walsh, pp. **1608-1516**

## **Topic 6: Article 38.1: Trial in Due Course of Law**

Hogan, Whyte, Kenny and Walsh, pp. 1231-1356 (general) 1356-82 (delay); CRG Report, pp. 191-209

## **General Principles**

Konadu v DPP [2018] IEHC 72 (5 February)  
MJE v Celmer [2018] IEHC 119 (12 March)  
MJE v Celmer [2018] IEHC 153 (23 March)  
DPP v Connolly [2018] IECA 201 (28 June)  
Bitá v DPP [2018] IEHC 385 (4 July)  
DPP v H [2018] IESC 32 (17 July)  
DPP v Forsey [2018] IESC 55 (8 November 2018)  
DPP v Casey [2019] IESC 7 (21 February)  
O'Callaghan v Ireland [2019] IEHC 782 (14 March)  
Ryan v Governor of Mountjoy Prison [2020] IESC 8 (19 March)  
DPP v N(T) [2020] IESC 26 (28 May)  
DPP v Hannaway [2021] IESC 31 (4 May)  
DPP v Conroy [2021] IESC 48 (26 July)  
DPP v Sheehan [2021] IESC 49 (29 July)  
DPP v Cassidy [2021] IESC 60 (13 September)  
Murphy v DPP [2021] IESC 75 (9 November)  
W(C) v MJE [2022] IEHC 336 (1 June)  
Tallon v DPP [2022] IEHC 322 (2 June)  
DPP v D(J) [2022] IESC 39 (24 October)  
DPP v B(M) [2023] IECA 85 (29 March)  
DPP v Morgan [2023] IESC 16 (29 June)  
W(C) v Minister for Justice [2023] IESC 22 (28 August)  
DPP v K(B) [2023] IESC 23 (13 October)  
MJE v Sean Walsh [2024] IESC 9 (7 March)  
Galvin v DPP [2024] IECA 256 (29 July) (but see [2025] IESC 35 (17 July))

## **Undue delay**

See Hogan, Whyte, Kenny and Walsh, pp. [1356-1382](#)

O'Callaghan v DPP [2021] IESC 68 (30 September)

### Present-day general approach to delay: representative cases

H(M) v DPP [2018] IEHC 560 (12 October)  
S(H) v DPP [2019] IEHC 107 (1 March)  
O'Callaghan v Ireland [2019] IEHC 782 (14 March)  
S(H) v DPP [2019] IECA 266 (22 October)

Doe (No 1), Doe (No2 ) and Doe (No 3) v DPP [2025] IESC 17 (9 May)

## **Right to counsel**

See Hogan, Whyte, Kenny and Walsh, pp. 1299-1330

Criminal Justice Act 2011 ss 9-14 (not yet commenced)

McEntaggart v DPP [2018] IEHC 230 (20 April)  
DPP v Nash [2018] IECA 147 (8 May)  
Farrell v Superintendent of Milford Garda Station [2019] IEHC 67 (11 February)  
DPP v Sheehan [2021] IESC 49 (29 July)  
DPP v McDonald [2022] IESC 29 (30 June)

### ***Unconstitutionally Obtained Evidence***

See Hogan, Whyte, Kenny and Walsh, pp. 1308-21

DPP v Flynn [2018] IECA 39 (20 February)  
DPP v Tierney [2018] IECA 44 (23 February)  
Criminal Assets Bureau v Murphy [2018] IESC 12 (27 February)  
DPP v Doherty [2019] IECA 209 (31 May)  
Brassil v DPP [2021] IECA 83 (23 March)  
DPP v Hannaway [2021] IESC 31 (4 May)  
DPP v Gold [2021] IECA 160 (2 June)  
Lohan v Solicitors Disciplinary Tribunal [2023] IECA 18 (1 February)  
DPP v Patrick Quirke [2023] IESC 20 (28 July)  
DPP v Smyth [2024] IESC 22 (17 June)  
DPP v Graham Dwyer [2024] IESC 39 (31 July)

### ***Gathering and preservation of evidence***

See Hogan, Whyte, Kenny and Walsh, pp. 1341-46

DPP v C(M) [2022] IECA 96 (7 April)  
DPP v D(J) [2022] IESC 39 (24 October)  
DPP v Q(S) [2023] IESC 8 (31 March)

Non-criminal context: Curtin v Irish Coursing Club [2009] IEHC 175 (6 March)

### ***Unfair pre-trial publicity***

See Hogan, Whyte, Kenny and Walsh, pp. 1333-41

### ***Power of search or to take forensic samples***

See Hogan, Whyte, Kenny and Walsh, pp. 1328-30, 2019-60

Akram v MJE [2022] IECA 108 (12 May)  
DPP v Behan [2022] IESC 23 (30 May)  
DPP v McDonald [2022] IESC 29 (30 June)  
DPP v Quirke [2023] IESC 5 (20 March)  
Corcoran v Commissioner of An Garda Síochána [2023] IESC 15 (22 June)  
DPP v Noonan [2025] IESC 22 (30 May)  
Hyland v Commissioner of An Garda Síochána [2025] IESC 43 (6 November)  
Poptoshev v DPP [2025] IESC 47 (24 November)

### ***Right to silence***

See Hogan, Whyte, Kenny and Walsh, pp. 1288-99

Criminal Justice Act 2007 ss 28-32

DPP (Garda James Reynolds) v Burke [2018] IEHC 554 (11 October)

Sweeney v Ireland [2019] IESC 39 (28 May)

DPP v Sheehan [2021] IESC 49 (29 July)

DPP v Cassidy [2021] IESC 60 (13 September)

DPP v Carroll [2021] IECA 261 (13 October)

DPP v D(J) [2022] IESC 39 (24 October)

DPP v K(B) [2023] IESC 23 (13 October)

DPP v B(J) [2024] IESC 57 (18 December)

Poptoshev v DPP [2025] IESC 47 (24 November)

### **Topic 7: Article 38.5 - Right to Jury Trial**

See Hogan, Whyte, Kenny and Walsh, pp. 1429-48

D v DPP [2023] IECA 315 (16 November)

Doherty v DPP [2024] IESC 52 (14 November)

### ***Special criminal courts***

Dowdall v DPP [2022] IESC 36 (29 July)

### **Topic 8: Locus Standi, Mootness, Justiciability, Remedies & Costs**

Hogan, Whyte, Kenny and Walsh, pp. 141-51, 719-26, 943-94, 1037-83

#### A. Locus standi

Fitzpatrick v Minister for Agriculture Food and the Marine) [2020] IESC 50 (31 July)

#### B. Jus Tertii

Mohan v Ireland [2018] IECA 13 (9 February)

P v Judges of the Circuit Court [2019] IESC 26 (30 April)

Friends of the Irish Environment v Government of Ireland [2020] IESC 49 (31 July)

DPP v Galvin [2020] IECA 319 (19 November)

Kennedy v DPP [2020] IECA 360 (21 December)

### C. Justiciability

Kerins v McGuinness [2019] IESC 11 (27 February)  
O'Brien v Clerk of Dáil Éireann [2019] IESC 12 (5 March)  
Re Appropriate Care of a Ward of Court [2019] IEHC 393 (31 May)

### D. Mootness

M(IR) v MJE [2018] IESC 14 (7 March)  
Shields v Central Bank of Ireland [2022] IECA 241 (26 October)  
Odum v MJE [2023] IESC 3 (2 February)  
Pepper Finance Corporation (Ireland) DAC v Persons Unknown [2023] IESC 21 (31 July)  
Blythe v Commissioner of An Garda Síochána [2023] IECA 255 (23 October)  
Harte v Superior Court Rules Committee [2024] IESC 2 (9 February)  
Child and Family Agency v M [2024] IECA 94 (26 April)  
AA v Minister for Children [2024] IECA 163 (24 June)  
Health Service Executive v HH [2024] IEHC 564 (3 October)  
Harte v Superior Courts Rules Committee [2025] IECA 23 (17 January)  
O'Meara v Westmeath County Council [2025] IEHC 192 (4 April)  
Carvill v Dublin City Council [2025] IECA 84 (11 April)

#### D.1 Prematurity

Galvin v DPP [2025] IESC 35 (17 July)

### E. Abstract judicial review: the Article 26 procedure

Hogan, Whyte, Kenny and Walsh, pp. 477-92

### F. Rules of Avoidance

See Hogan, Whyte, Kenny and Walsh, pp. 982-94

Morrissey v National Asset Management Agency [2019] IEHC 576 (2 July)  
Friends of the Irish Environment Ltd v Minister for Communications, Climate Action and Environment [2019] IEHC 646 (20 September)  
Tallon v DPP [2022] IEHC 322 (2 June)  
A & B v International Protection Appeals Tribunal [2022] IESC 35 (18 July)  
Ivers v Commissioner of An Garda Síochána [2022] IECA 206 (18 August)

### G. Effect of declarations of invalidity or inconsistency

Hogan, Whyte, Kenny and Walsh, pp. 1037-83

C v Minister for Social Protection [2018] IESC 57 (29 November)  
Dwyer v Commissioner of An Garda Síochána [2018] IEHC 685 (6 December)  
Wansboro v DPP [2018] IESC 63 (20 December)  
Damache v Minister for Justice [2021] IESC 6 (10 February)

Heneghan v Minister for Housing [2023] IESC 7 (31 March); [2023] IESC 18 (26 July)

#### H. Constitutional Lacunae

Hogan, Whyte, Kenny and Walsh, pp. 1042-51

B v Director of Oberstown [2020] IESC 18 (29 April)

Damache v Minister for Justice [2021] IESC 6 (10 February)

ZG and EW v Ireland [2025] IESC 49 (26 November)

#### I. Injunctions and Mandamus

Friends of the Irish Environment Ltd v Minister for Communications [2019] IEHC 555 (23 July)

Hoey v Waterways Ireland [2021] IESC 34 (28 May)

Clare County Council v McDonagh [2022] IESC 2 (31 January)

Re M McD (A Child) [2024] IESC 6 (28 February)

D(M) v Board of Secondary School [2024] IESC 11 (10 April)

Protect East Meath Ltd v Meath County Council [2025] IEHC 149 (14 March)

Flynn v Commissioner of An Garda Síochána [2024] IECA 191 (4 June); [2024] IECA 278 (4 November)

Child and Family Agency v H [2024] IECA 246 (18 October)

B v Child & Family Agency [2025] IESC 2 (27 January)

Protect East Meath Ltd v Meath County Council [2026] IESC 1 (22 January)

#### J. Damages

C(M) v The Clinical Director of the Central Mental Hospital [2020] IESC 28 (4 June)

Kelly v Minister for Agriculture [2021] IESC 62 (15 September)

E(G) v Commissioner of An Garda Síochána [2022] IESC 51 (2 December)

O'Farrell v Governor of Portlaoise Prison [2023] IEHC 13 (12 January)

Magee v Governor of Portlaoise Prison [2023] IESC 14 (25 May)

#### K. Declarations

Fox v Minister for Justice [2021] IESC 61 (14 September)

McD(P) v The Governor of X Prison [2021] IESC 65 (17 September)

#### L. Certiorari

Kelly v Minister for Agriculture [2021] IESC 62 (15 September)

#### M. Costs

Little v Chief Appeals Officer [2024] IESC 53 (19 November)

ESB v Good [2025] IESC 40 (9 October)

## **Topic 9: Referendum Law**

Articles 46-47

Hogan, Whyte, Kenny and Walsh, pp. 2525-56

Jordan v Ireland [2018] IECA 291 (27 August 2018)

## **Topic 10: Personal Liberty**

Articles 40.4.1 and 40.4.6

Article 5 ECHR

Hogan, Whyte, Kenny and Walsh, pp. 1807-79, 1885-1930

Ryan v Governor of Mountjoy Prison [2020] IESC 8 (19 March)

Braney v Special Criminal Court [2021] IESC 7 (12 February)

E(G) v Commissioner of An Garda Síochána [2022] IESC 51 (2 December)

O'Farrell v Governor of Portlaoise Prison [2023] IEHC 13 (12 January)

### ***Arrest and detention powers***

Offences against the State Act 1939, s 30

Offences against the State (Amendment) Act 1998, s 10

Criminal Justice Act 1984, s 4

Criminal Justice (Drug Trafficking) Act 1996, s 2(2)

Criminal Justice Act 2006 s 9(c)

Criminal Justice Act 2007 s 50

Braney v Special Criminal Court [2021] IESC 7 (12 February)

DPP v Banks [2022] IESC 7 (10 February)

### ***Position of prisoners***

McD v Governor of X Prison [2018] IEHC 668 (1 November)

Simpson v Governor of Mountjoy Prison [2019] IESC 81 (14 November)

PMcD v The Governor of X Prison [2021] IESC 65 (17 September)

Egan v Governor of Cloverhill Prison [2024] IECA 111 (7 May)

Lordan v Minister for Social Protection [2024] IEHC 418 (9 July)

Abraham v Governor of Cloverhill Prison [2024] IEHC 518 (11 August)

SP v Governor of Mountjoy Prison [2025] IEHC 37 (24 January)

O'Brien v Governor of Cork Prison [2025] IEHC 56 (5 February)

### ***Therapeutic detention***

L(P) v Clinical Director of St. Patrick's UH [2018] IECA 29 (14 February)

M(A) v Health Service Executive [2019] IESC 3 (29 January)

Child and Family Agency v LM [2019] IECA 109 (12 April)  
A(C) v Patricia Hickey General Solicitor [2019] IESC 73 (17 October)  
Child and Family Agency v General Solicitor for Minors and Wards of Court [2024] IECA 242 (11 October)  
AA v Clinical Director of The Ashlin Centre [2025] IECA 30 (17 February)

### **Topic 11: FREEDOM OF RELIGION**

Hogan, Whyte, Kenny and Walsh, pp. 2457-2509  
CRG Report at 368-388

Education (Admission to Schools) Act 2018

### **Topic 12: IMPACT OF THE ECHR**

Hogan, Whyte, Kenny and Walsh, pp. 635-40; 1555-59

European Convention of Human Rights Act, 2003

McAuley v Judge Fergus [2018] IECA 30 (7 February)  
Fox v MJE [2021] IESC 61 (14 September)  
Clare County Council v McDonagh [2022] IESC 2 (31 January)  
Coolglass Wind Farm Ltd v An An Coimisiún Pleanála [2026] IESC 5 (4 February)

### **Topic 13: PROTECTION OF THE FAMILY AND CHILDREN**

Art 41.4 (inserted by the Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015)  
Art 42A (inserted by the Thirty-first Amendment of the Constitution (Children) Act 2012)

Hogan, Whyte, Kenny and Walsh, pp. 2169-2346  
CRG Report pp. 319-337

#### ***Protection of the family and children***

S(MKF) (Pakistan) v MJE [2018] IEHC 103 (6 February)  
M(P) v H(V) [2018] IECA 4 (24 January)  
M(IR) v MJE [2018] IESC 14 (7 March)  
Child and Family Agency v Adoption Authority of Ireland [2018] IEHC 172 (28 March)  
Luximon v MJE [2018] IESC 24 (24 April)  
In the matter of the Adoption Act, 2010, Section 49 (2), and in the matter of JB (a minor) and KB (a minor) [2018] IESC 30 (16 July)

Child and Family Agency v Adoption Authority of Ireland [2018] IEHC 515 (25 September)  
A Foster Mother v Child and Family Agency [2018] IEHC 762 (21 December)  
Child and Family Agency v L(M) [2019] IECA 109 (12 April)  
W(MW) v F(SJ) [2019] IECA 227 (30 July)  
I(I) (Nigeria) v MJE [2019] IEHC 729 (29 October)  
Gorry v MJE [2020] IESC 55 (23 September)  
In the matter of JJ (Unapproved) [2021] IESC 1 (22 January)  
C(FE) v MJE [2021] IECA 119 (16 April)  
H v MJE [2021] IESC 32 (11 May)  
Burke v Minister for Education [2022] IESC 1 (24 January)  
H(S) v Minister for Justice [2022] IEHC 392 (27 June)  
Z(A) v MJE [2022] IEHC 511 (27 July)  
Child and Family Agency v Adoption Authority of Ireland [2022] IECA 196 (10 August)  
BB v Minister for Justice [2022] IEHC 536 (30 September)  
O'Meara v Minister for Social Protection [2022] IEHC 552 (7 October)  
Achouri v MJE [2022] IEHC 576 (12 October)  
M(S) v Minister for Justice [2022] IEHC 611 (4 November)  
O v Minister for Justice [2022] IEHC 617 (9 November)  
K(M) (Albania) v MJE [2022] IESC 48 (24 November)  
Z(A) v Minister for Justice [2022] IEHC 693 (2 December)  
Re A & B (minors) [2023] IESC 6 (30 March)  
Odum v MJE [2023] IESC 26 (14 November)  
O'Meara v Minister for Social Protection [2024] IESC 1 (22 January)  
Re M McD (A Child) [2024] IESC 6 (28 February)  
AZ v MJE [2024] IESC 35 (25 July)  
BM v Chief Appeals Officer [2024] IESC 51 (12 November)  
X v Minister for Foreign Affairs [2025] IEHC 214 (11 April)  
ZG and EW v Ireland [2025] IESC 49 (26 November)  
Brophy v DPP [2026] IESC 7 (10 February)

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## Examination Format 2026

The examination will be of 3 hours duration.

Candidates will be required to answer **three** questions.

There will be **five** questions on the examination paper.

The **first** question will be a **compulsory** problem question; it carries **50 marks**.

Each of the other four questions carries **25 marks**. Three of the four remaining questions are problem questions. There will be an internal choice within Question 5 (the non-problem) question, between parts (a), (b), (c), etc–up to the number of options offered.

End.