Tort

Candidates are required to have a sound knowledge and understanding of the principles of Tort. They are expected to have a comprehensive and detailed knowledge of the law relating to the following matters:

1. The nature and function of the Law of Tort.
2. Causation (both factual and legal). Remoteness of damage: Novus Actus Interveniens and recklessness. The direct consequence and reasonable forseeability rules.
3. Concurrent wrongdoers, joint and several tortfeasors.
4. Negligence, including:-
   a) The duty and standard of care;
   b) Proof of negligence;
   c) Affirmative duties;
   d) Physical and economic loss;
   e) Nervous shock;
   f) Professional negligence;
   g) Negligence on the roads:
   h) Negligent care of children.
5. Product liability.
6. Occupiers’ liability.
7. Employers’ liability.
10. Liability of the State.
11. Vicarious Liability.
    Non delegable duties.
12. Trespass to the person and trespass to land.
15. Nuisance (both public and private).
16. The Rule in *Rylands v. Fletcher*.
17. Liability for injuries caused by animals.
18. Liability for fire.
20. Fatal Injuries and Survival of Actions on Death.
22. Defences (contributory negligence, assumption of risk, and illegality (ex turpi causa).
23. Limitation of actions; accrual of causes of action; multiplicity of actions; survival of causes of action.
Candidates will be expected to be familiar and to demonstrate familiarity, with the underlying statutory foundation to each ingredient of the prescribed syllabus in cases where such statutory foundations exist. Candidates must also demonstrate familiarity with appropriate case law.

**Recommended Reading**

**Supplemental Reading**

Contract

1. Offer and Acceptance
2. Consideration and Estoppel
3. Capacity to enter a Contract
4. Intention to Contract
5. Uncertain and Incomplete Contracts
6. Formal Requirements
7. Interpretation of Contracts
8. Contract Terms, Express and Implied
9. Importance and Relative Effects of Contractual Terms and Mere Representations
10. Exemption and Exclusion Clauses
11. Consumer Protection (which includes statutory consumer protection and the impact of European Union legislation) and Standard Form Contracts
12. Vitiating and Voiding Factors, including:
   a) Mistake
   b) Misrepresentation (including duty of disclosure)
   c) Duress
   d) Undue Influence
   e) Equitable Intervention
   f) Illegality
13. Termination of Contract through:
   a) Performance
   b) Agreement
   c) Breach
   d) Frustration
14. Remedies for breach of Contract:
   a) Underlying principles
   b) Damages
   c) Specific Performance
   c) Restitutionary relief
15. Privity of Contract and Third Party Rights
16. Law of Agency (in outline only)

Candidates will be expected to be familiar with the underlying statutory foundation to each ingredient of the prescribed syllabus in cases where such statutory foundations exist. Candidates must also demonstrate familiarity with appropriate case law.
Statutes

Candidates may bring the Sale of Goods Act 1893 and the Sale of Goods and Supply of Services Act 1980 into the examination. Candidates are expected to have knowledge of other relevant statutes (see above).

Recommended Reading


Supplemental Reading


It is recommended that students refer to English Contract Law texts such as those authored by Treitel, Cheshire, Fifoot & Furmston, Poole or McKendrick for general supplemental reading.
Real Property

Candidates should have a sound knowledge and understanding of the body of law embraced by the syllabus including the changes introduced by the Land and Conveyancing Law Reform Act 2009. Candidates will be expected to apply their knowledge to given fact situations, citing appropriate cases and statutes.

1. The nature of Land Law and its historical background.
2. Finding. Determining ownership of objects found on land, including treasure trove.
3. The Doctrine of Estates.
8. Mortgages.

11. Future Interests - Reversion and Remainders, Executory interests, the Rule against Perpetuities.


17. Disabilities.

Candidates may bring unmarked copies of the following into the examination.

Succession Act 1965
Land and Conveyancing Law Reform Act 2009

**Recommended Reading**

Any one of the following:

Supplemental Reading

Brady, Succession Law in Ireland, 2nd Ed, (1995), Butterworths.
Fitzgerald, Land Registry Practice, 2nd Ed, 1995 Round Hall Press.
Candidates will be expected to have a thorough knowledge and understanding of the modern principles of Equity and Trusts. The syllabus also covers those aspects of the historical development of Equity which are necessary to understand the modern law.

1. The Nature of Equity and Historical Background, including the Maxims of Equity.
2. Modern Equity:
   a) Equitable Interests and equities
   b) Equitable Doctrines
      (i) Notice
      (ii) Estoppel
      (iii) Fraud, Undue Influence & Unconscionable Transactions.
   c) Equitable Remedies
      (i) Injunctions
      (ii) Specific Performance
      (iii) Recission
      (iv) Rectification
      (v) Tracing
3. Trusts
   a) Nature and Classification of Trusts
   b) Formal Requirements for Express Trusts
   c) The Three Certainties
   d) Constitution of Trusts
   e) Void and Voidable Trusts
   f) Secret and Half-Secret Trusts
   g) Resulting Trusts
   h) Constructive Trusts
   i) Trusts of the Family Home
   j) Charitable Trusts and Purpose Trusts
   k) Cy-pres Doctrine
   l) Appointment, Removal and Retirement of Trustees
   m) Powers and Duties of Trustees
   n) Liability of Third Parties to account in Equity

In addition to the above, candidates are required to have an outline knowledge of the law in the following areas:

- Election
- Conversion and Reconversion
- Powers of Appointment
Recommended Reading


Supplemental Reading

Burn, *Maudsley and Burn’s Trusts and Trustees - Cases and Materials*, 7th Ed, (2008), OUP.
Glister and Lee (eds), Hanbury & Martin, *Modern Equity*, 20th Ed, (2015), Sweet & Maxwell
Hudson, Equity and Trusts, 9th Ed, (2016), Routledge
Criminal Law

1. Principles of Criminal Law
   a) Origins and Purpose of Criminal Law
   b) Distinction between Crime and Tort
   c) Classification of Crime
   d) Elements of a Crime - actus reus and mens rea
   e) Crimes of Strict Liability
   f) Degrees of participation and association (aiders, abettors, counsellors of crime, incitement to commit crime, conspiracy and attempts to commit)
   g) Right to Silence, Presumption of Innocence

2. Criminal Procedure
   a) The Courts of Criminal Jurisdiction
      (i) Scope
      (ii) Composition
      (iii) Procedure (in summary and indictable cases)
      (iv) Jurisdiction
   b) Bail
   c) Arrest and detention without trial

3. Substantive Law
   a) Offences against the person
      (i) Murder
      (ii) Manslaughter (including vehicular manslaughter)
      (iii) Infanticide
      (iv) Assault
      (v) Rape, aggravated sexual assault and other sexual offences
      (vi) Abduction
      (vii) False Imprisonment
   b) Offences against property
      (i) Theft
      (ii) Robbery
      (iii) Making Gain or Causing Loss by Deception
      (iv) Obtaining Services by Deception
      (v) Making Off without Payment
      (vi) Unlawful Use of a Computer
      (vii) False Accounting
      (viii) Burglary
      (ix) Aggravated Burglary
(x) Handling Stolen Property/Possession of Stolen Property
(xi) Forgery/Offences Relating to False Instruments
(xii) Arson
(xiii) Criminal Damage

c) Offences against the Administration of Justice
   (i) Perjury
   (ii) Contempt of Court

d) Offences of a Public Nature (outline knowledge only required)
   (i) Offences against the State
   (ii) Offences against Public Order

4. Defences
   a) General
      (i) Insanity
      (ii) Intoxication
      (iii) Self-Defence
      (iv) Infancy
      (v) Mistake
      (vi) Duress
      (vii) Consent
      (viii) Automatism
      (ix) Necessity
      (x) Unconstitutionality

   b) Defences Specific to Murder
      (i) Provocation
      (ii) Excessive Self Defence
      (iii) Diminished Responsibility

Candidates will be expected to have a knowledge of all current statutes and Irish case law. They will also be expected to be familiar with Law Reform Commission recommendations or other pertinent developments in these areas and with non Irish persuasive precedents.

**Recommended Reading**


For the general principles of criminal responsibility, candidates are also recommended to read Smith, Hogan and Ormerod, *Criminal Law*, 15th Ed. (2018); Smith, Hogan and Ormerod *Criminal Law: Cases and Materials* (2017) (12th ed) (Oxford University Press), Horder, *Ashworth’s Principles of Criminal Law* (2016) (OUP). All of these, however, are English texts and candidates must be ever vigilant in checking whether rules and principles stated in them are also true in Irish law.

Candidates will also find certain reports and consultation papers of the Law Reform Commission very useful for gaining an understanding of the law in those areas. The Criminal Law Review (an English Journal) which has been published since 1954 and the Irish Criminal Law Journal (published since 1991) are valuable for their articles on criminal law and even more so for its case-notes on all the leading developments in English and Irish law.

**Supplemental Reading**

European Union Law

The examination shall be three hours in duration and candidates will be required to attempt five out of eight questions presented. In all the following subject areas, candidates should demonstrate knowledge and understanding of the relevant provisions of the Treaty on European Union (“TEU”) and the Treaty on the Functioning of the European Union (“TFEU”), as amended and renumbered by the Treaty of Lisbon (candidates are referred to the Table of Equivalences in the Annex to the Treaty of Lisbon to which Article 5 thereof refers), legislation and case-law of the Community judicature. Candidates will be expected to apply their knowledge to given factual situations, citing appropriate Treaty provisions, case-law and legislation.¹

Subject Headings

The subject may be divided as follows:

1. Sources of European Union Law
   b) Legal acts (secondary legislation) of the EU - Regulations, Directives, Decisions, Recommendations and Opinions and EU Framework Decisions;
   c) General Principles of Law, in particular:
      i) Fundamental Rights (including the Charter of Fundamental Rights of the EU);
      ii) Equality /Non-Discrimination;
      iii) Legal Certainty;
      iv) Proportionality;
      v) Subsidiarity;
      vi) Legitimate Expectations;
   d) Transparency under Article 15 TFEU (formerly Article 255 EC) and as a developing general principle of EU law.

¹ All references to Treaty articles in this syllabus are to the Treaties as amended, repealed, replaced and renumbered by the Treaty of Lisbon; i.e. to the TEU and to the TFEU as renumbered.
2. The European Union Institutions.

Candidates will be expected to have a detailed knowledge of the role, powers and mode of election/appointment of: the European Parliament (including its relationship with national parliaments and the democratic principles upon which the European Union is now expressly stated to be based pursuant Title II of the amended TEU (see Articles 9 to 12 TEU); the European Council, the Council of the European Union, and the European Commission. Special emphasis will be placed on: (a) the legislation-making processes in the European Union and the importance of legal basis; (b) the concepts of institutional balance and attributed/conferred powers and the other principles set out in Article 5 TEU; and (c) EU international relations law with particular emphasis on the external competence of the EU and the conclusion of international agreements by the EU.

3. A Union/Community governed by the rule of law.

The jurisdiction and powers of the Court of Justice (re-named the Court of Justice of the European Union under the Treaty of Lisbon) and comprising within the EU legal hierarchy the Court of Justice and the General Court (formerly the Court of First Instance prior to the Treaty of Lisbon), as well the Civil Service Tribunal and such other specialised courts as may be established (see Articles 251 to 257 TFEU: formerly Articles 221 to 225a EC: note, there was no EC Treaty equivalent to Article 255 TFEU). Candidates should pay specific attention to Articles 258 to 260 TFEU and Articles 260, 263, 265, 267, 268-269, 277 and 340 TFEU (formerly Articles 226, 227, 228, 230, 232, 234, 235, 241, 243 and 288 EC: note, there was no EC Treaty equivalent to Article 269 TFEU), the Statute of the Court of Justice, and with particular reference to:

a) Judicial review of acts of the Union institutions;
b) Infringement actions against Member States for failure to comply with their obligations;
b) Cooperation between national courts and the Court of Justice in the preliminary reference procedure; references on interpretation and validity of EU law.
4. The Nature of EU law, in particular its relationship with national law and the reception of EU law in Irish law:

   a) The direct effect and supremacy of EU law and related doctrines, including the obligation of consistent/harmonious interpretation (indirect effect) and incidental effect;
   b) National procedural autonomy and its limits; State liability in damages for breaches of EU law;
   c) The status of EU law in the national legal systems, in particular the status of EU framework decisions and decisions;
   d) National Constitutional provisions particularly Article 29(4) of the Constitution, as amended, Acts of the Oireachtas and Statutory Instruments necessary to implement EC law in Ireland, including in particular the European Communities Acts 1972-2007, the attitude towards and receptiveness of Irish courts to the application of EU law, as well as the use of the preliminary reference procedure by Irish courts.

5. Substantive rules governing the Free Movement of Goods (with a particular focus on case-law) to include:

   a) Article 110 TFEU (formerly Article 90 EC);
   b) Articles 34, 35 & 36 TFEU (formerly Articles 28, 29 & 30 EC);
   c) Articles 28, 29 & 30 TFEU (formerly Articles 23, 24 & 25 EC);
   d) Regulating the internal market, with particular emphasis on harmonisation-legislation and the scope of Article 114 TFEU (formerly Article 95 EC).

6. Substantive rules governing Free Movement of Persons, Services and the Freedom of Establishment, with a particular focus on the Treaty (Article 18 TFEU (formerly Article 12 EC) and Articles 45 to 66 and 75 TFEU (formerly Articles 39 to 61 EC) and relevant case-law to include:

   a) Freedom of Movement of Workers;
   b) Freedom of Establishment;
   c) Freedom to provide and to receive Services
   d) Freedom of Movement of Capital and Payments;
Limitations on the above freedoms both under the Treaty and under the imperative requirements case-law of the Court of Justice.

7. Union citizenship, particularly under Article 18 TFEU and Articles 20 to 25 TFEU, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (as it may be amended from time to time) and the relevant case-law of the Court of Justice.

8. EU Competition Law - a detailed understanding will be required of Articles 101-102 TFEU (formerly Articles 81-82 EC) and of their application. A detailed knowledge is also expected of the enforcement of EC Competition Law and the procedures followed in its enforcement at European and national levels, and in particular of Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules of competition laid down in Articles 81 and 82 of the Treaty (now Articles 101 and 102 TFEU, and as Regulation 1/2003 may be amended from time to time).

9. Public undertakings, revenue-producing monopolies and undertakings granted special and exclusive rights under Article 106 TFEU (formerly Article 86 EC) and the relationship with Articles 101-102 TFEU as developed in the relevant case-law, with particular reference to Member State obligations under Articles 4(3) TEU (formerly Article 10 EC) and 101-102 TFEU in combination with Article 106 TFEU and Article 14 TFEU (formerly Article 16 EC) and case-law developed principles concerning services of general economic interest. Candidates should also specifically note Protocol (No 26) on Services of General Interest to the Treaty of Lisbon.

10. The control of concentrations/mergers having a European dimension.

11. The regulation, review and control of State Aids under Articles 107-108 TFEU (formerly Articles 87-88 EC) and the relationship
with Article 106 TFEU. Candidates should also specifically note the legislation adopted on the basis of Article 109 TFEU (formerly Article 89 EC).

12. Social policy with special emphasis on Treaty provisions and key secondary legislation relating to equality, in particular to equal pay and equal treatment for men and women, pregnancy and maternity, parental leave and the measures adopted under Article 19 TFEU (formerly Article 13 EC) combating discrimination on other grounds namely racial or ethnic origin, religion or belief, disability, age or sexual orientation.

13. The area of freedom, security and justice, with particular emphasis on the recognition and enforcement of judgments in civil and commercial and matrimonial matters.

**Legislative Sources**

Candidates are permitted to bring *unmarked* copies of one of the following publications (or earlier/later editions) into the examination as Union Treaties and legislative sources:

The Consolidated European Union Treaties and Charter of Fundamental Rights, as published by the Office of Official Publications of the EU (2010 editions); OR


OR


**Recommended Reading**

Candidates are recommended to have studied in detail the relevant sections from the following texts:


**Additional Reading**

Useful supplementary reading would include:


Company Law

This examination must be answered on the basis of the law contained in the Companies Act 2014 (the “Act”).

Candidates are required to have a sound knowledge and understanding of the concepts, principles and rules of Company Law in Ireland, and are expected to be fully familiar with the law relating to the following matters:

**Types of Companies and Business Organisations** - Companies and other Legal Forms of Business Organisation; Sole Traders; Partnerships; Registered Companies; the History of Registered Companies; The European Community Dimension in Irish Company Law; The different types of companies recognised by the Companies Act 2014: the private company limited by shares (“LTD”); the designated activity company (“DAC”); the public limited company (“PLC”); the company limited by guarantee (“CLG”); unlimited companies (“UC”) and external companies.

**Differences between Types of Companies** – The structure of the Act; The differences between the private company limited by shares (“LTD”); the designated activity company (“DAC”); the public limited company (“PLC”); the company limited by guarantee (“CLG”); unlimited companies (“UC”); and External Companies. Distinguishing their key features and the different provisions of the Act as apply to them.

**Formation and Registration** - Formation and registration of companies; Registration; Statutory Obligations Incidental to Registration of companies; Conversion from one type of company to another. Promoters’ Duties: Corporate Promoters; Fiduciary Duties of Promoters; Breach of the Promoter’s Fiduciary Duty; Promoters’ Transactions with a Company.

**Company’s constitutions (including memorandum and articles of association)** - Constitutional documentation; The single-document constitution of an LTD; the compulsory clauses and the supplemental regulations; the "optional provisions" applicable to companies; ; The Clauses in the Memorandum of Association; Association for companies other than LTDs; Alteration of the Memorandum of Association; The Articles of Association; The Nature of the Articles; Alteration of the Articles of Association; Informal Alteration of the Articles of Association by Shareholders’ Agreement; The Relationship between the Memorandum and the Articles; The Construction of the Constitution; The Statutory Contract contained in section 31 of the Act; Shareholders’ Agreements.

**Incorporation and Its Consequences** - Incorporation and its Consequences; Registration, and Issue of the Certificate of Incorporation; Effect of the Certificate of Incorporation; The Consequences of Incorporation; Separate Legal Personality; Limited Liability; Transferability of Interests;
Perpetual Succession; Common Seal; Floating Charges; Corporate Litigation; Security for Costs; Enforcing Judgments and Orders Against a Company.

**Lifting the Veil** - Disregarding Separate Legal Personality in all its manifestations whether by the Courts or by Statute or otherwise.

**Corporate Contracts** - Corporate Contracts: Form and Formalities; Oral, Written and Contracts under seal; The Requirement to have a Seal; Attestation of the Common Seal; Powers of Attorney; Pre-Incorporation Transactions; The Authority of Corporate Agents.

**Authority of Corporate Agents and Capacity of Companies** - Actual Authority of Corporate Agents; Ostensible Authority of Corporate Agents; Corporate Representations; The Indoor Management Rule/ Rule in *Turquand’s Case*. The abolition of the objects clause for LTDs and conferment of full contractual capacity; Corporate Capacity and Ultra Vires for other types of companies with objects clauses; The Objects Clause; Substantive Objects and Ancillary Powers; Express and Implied Powers; Corporate Enforcement of Ultra Vires Contracts; Prevention of Ultra Vires Actions; Recovery of Money given Ultra Vires by a Company; Reform of the Doctrine of Ultra Vires.

**Corporate Governance** - The Division of Powers: Members and Directors; Delegation of Powers to Directors; The Resurgence of Members’ Powers; The Powers Retained by Members; Directions to Directors. Directors; Appointment of Directors; Disqualification and Restriction of Directors; Removal of Directors; Status and Remuneration of Directors. The Secretary: Appointment, Status, Functions and Duties. Auditors: Appointment, Qualifications; Removal, Resignation and Replacement, Rights and Liabilities. Types of director: de facto, shadow and formally appointed or de jure director.

**Summary Approval Procedure (‘SAP’)** – The rationale behind the SAP; the seven different “restricted activities” that can be validated using the SAP; the different requirements for different activities; the consequences for directors where a company which has utilised the SAP is wound up insolvent within 12 months.

**Shares and Membership** – Introduction - Membership; Those who May Become Members; The Register of Members; Shares; The Legal Nature of Shares; Formal Requirements Relating to Shares; Allotment of Shares; Shareholders’ Rights and Duties; Classes of Shares; Conversion of Shares; Liens on Shares; Forfeiture and Surrender of Shares; Disclosure of Interests in Shares.

**Share Transfer** – Transferability and Restrictions; Directors’ Powers to Refuse Registration; Pre-Emption Rights on Share Transfer and Allotment; Compulsory Transfers of Shares; Compulsory Transfer of shares.
The Maintenance of Capital - The Rationale; Redemption of Shares; Acquisition by a Company of Its Own Shares; Assisting the Purchase of a Company’s Own Shares; Court Sanctioned Capital Reduction; Court Ordered Capital Reduction; Distributions and the Payment of Dividends; Miscellaneous Capital Maintenance Rules; Meetings On A Serious Capital Loss.

Shareholders’ Remedies – Minority Shareholder Protection - Oppression: Section 212 of the Companies Act 2014; Disregarding Members’ Interests; “Affairs of the Company” and “Powers of Directors”; The Rule in Foss v. Harbottle; Derivative Actions and Exceptions to Foss v Harbottle.

Members’ and Directors’ Meetings - Members’ Meetings; Annual and Extraordinary General Meetings; Ordinary and Special Resolutions; Notice of Members’ Meetings; Notice of Business to be Conducted at a Meeting; The Quorum and Other Formalities; Voting at Members’ Meetings; Minutes of Members’ Meetings; Registration and Lodging of Resolutions; Unanimous Written and Majority Written Resolutions; Decisions by Sole Members of Single-Member Companies; Informal Resolutions of the Members. Directors’ Meetings: Purpose of Directors’ Meetings; Notice of Directors’ Meetings; Meetings and Decisions by Sole Directors.

Duties of Directors and Others – To whom owed. Duties to creditors. General Duties of Directors at Common Law; The Nature and Source of Duties; The codification of fiduciary duties in the Companies Act 2014; The Exercise of Directors’ Powers; Directors’ Conflicts of Interests; Competition with the Company; Directors’ Duties of Care, Skill and Diligence; Directors’ Statutory Duties; Directors’ Duties on Insolvency; Reckless Trading; Criminal Fraudulent Trading; Civil Fraudulent Trading; Misfeasance. Personal liability of directors and others under the Companies Act 2014.

Statutory Regulation of Transactions Involving Directors and Companies - Disclosures concerning Directors and Secretaries; Contracts Involving the Directors and the Company; Substantial Property Transactions; Loans, Quasi-loans, Credit Transactions, Guarantees and the Provision of Security in Favour of Directors and connected persons. Meaning of “connected person” The requirement that loans are in writing; The Summary Approval Procedure provided for by the Companies Act 2014.

Investigations and Inspectors - Appointment of Inspectors; The Conduct of the Investigation; Powers of Inspectors; Minister’s Power to Impose Restrictions on Shares and Debentures; The Inspectors’ Report; The Costs of the Investigation; Other Investigations and Inquiries.

Debentures and Charges – Debentures. Transfer of Debentures; Secured Debentures: Mortgages and Charges; Mortgages and Fixed Charges; Fixed Charges on Book Debts; Floating Charges; Negative Pledge Clauses; Events Which Affect Assets Subject to Floating Charges; Crystallisation of Floating Charges; The Causes of Crystallisation; The De-Crystallisation of Floating Charges.

Registration of Charges - The Register of Charges; The Consequences of Non-Registration; The Conclusiveness of the Register of Charges; Registrable Charges; The two-stage registration procedure provided for by the Companies Act 2014; Judgment Mortgages; Non-Registrable Charges; Retention of Title Clauses Which Constitute Charges. Charges Over Property Outside of the State; Charges Created by Foreign Companies; Late Registration of Registrable Charges.

Receivers - Appointment of a Receiver; Duty Owed by Debenture Holders; Qualifications of Receivers; Resignation and Removal of Receivers; The Effect of the Appointment. The Status of a Receiver; The Duties of Receivers; Liabilities of Receivers; The Powers of Receivers.

Examinerships– The Appointment of an Examiner; The Effects of Court Protection; The Position of Creditors; The Powers of Examiners. The Examiner’s Reports and Schemes of Arrangement; Examiner’s Remuneration, Costs and Expenses. Schemes of Arrangement; Arrangements & Reconstructions; The Court’s Power to Sanction an Arrangement.

Schemes of Arrangement, Mergers and Divisions – (Part 9 of the Companies Act 2014); The law relating to schemes of arrangement; scheme classes; court approval of schemes; Merger of companies; types of merger; merger by SAP and Merger by court order; Divisions; Types of divisions; need for court order.

Winding-Up and Striking Off Companies - Members’ Winding Up; Creditors’ Voluntary Winding Up; Compulsory Court Winding Up. Voluntary Liquidators; Provisional Liquidators. Official Liquidators. Striking Off the Register; Restoration to the Register of Companies.

Matters Arising in a Winding-Up - Powers to Obtain Information; Examination. Powers of Civil Arrest; Freezing Corporate Assets in a Liquidation; Preventing Execution, Attachment of Property and Judgment Mortgages; Disclaiming Onerous Property. Post-Commencement Dispositions; Fraudulent Preference; Fraudulent Dispositions of Property; Invalidating Certain Floating Charges; Contribution by Related Companies.
to the Assets; Pooling the Assets of Related Companies; The Distribution of Corporate Assets, Priorities.

**Compliance and Enforcement** – Disqualification and restriction of directors; disqualification and restriction undertakings; prosecution of offences under the Act.

**Statutes**

Candidates should note that they must be familiar with, and may take into the examination *unmarked* copies of the following:

The Companies Act 2014  
Companies (Accounting) Act 2017  
Companies (Amendment) Act 2017  
The Companies (Statutory Audits) Act 2018

**OR**  
Bloomsbury Professional’s Companies Act 2014 (most recent edition)

Candidates should be familiar with company case law. Candidates should also be familiar with all EU Directives and Regulations on Company Law currently adopted and implemented in Ireland and have an awareness of relevant Directives and Regulations awaiting implementation.

**Recommended Reading:**  
Any of the following texts:


**Supplemental Reading:**  
Courtney (ed), *Bloomsbury Professional’s Guide to the Companies Act 2014*, (2015) Bloomsbury Professional. *(Please note that this publication cannot be brought into the examination as it contains commentary on the legislation).*


Lynch Fannon Murphy, *Corporate Insolvency and Rescue*, (2nd ed; 2012) Bloomsbury Professional.

Candidates should consult articles and notes in leading journals of relevance to the syllabus and current editions of English texts such as those by Gower and Davies, *Principles of Modern Company Law*, 10th ed; (2016), Sweet & Maxwell.
Constitutional Law

Although Constitutional Law is primarily an academic subject, the FE-1 exam will require candidates to consider the way in which constitutional principles might apply to factual situations. As practitioners are most likely to encounter Constitutional Law in the context of litigation, there will be a number of problem questions on the paper.

Candidates will be expected to show knowledge and, crucially, understanding of the constitutional caselaw of the Irish courts. To this end, candidates should demonstrate the ability to critically analyse, discuss and apply the principles of Irish Constitutional Law. It is recommended that candidates directly read the decisions of the courts rather than exclusively relying on secondary summaries.

An up-to-date knowledge of the decisions of the Superior Courts will also be required. Areas of relatively recent consideration will be particularly important.

The major topics (which are not exhaustive) include:

♦ Constitutional Interpretation
♦ Locus standi
♦ Judicial Review
♦ Justiciability
♦ Habeas corpus
♦ Separation of Powers
♦ Emergency Powers
♦ The President
♦ The Attorney General
♦ The election and referenda provisions
♦ Enumerated personal rights
♦ Unenumerated personal rights
♦ Socio-economic rights
♦ The Family
♦ The Courts and the administration of justice
♦ The Executive
♦ The Oireachtas
♦ Constitutional justice
♦ Consequences of a declaration of unconstitutionality

Candidates are permitted to take an unmarked copy of the Constitution into the examination.

**Recommended Reading:**

**Supplementary Reading**
*The Irish Jurist, Volume XLVIII, 2012* (Special edition on constitutional law).