

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2573

Criminal Law Special Study

Monday

30 JANUARY 2006

Morning

1 hour 30 minutes

Additional materials:
16-page Answer Booklet
Special Study Materials

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **all** questions.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the numbers to the questions you answer on the front of your answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **100**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

You are reminded of the importance of including relevant knowledge from all areas of your course, where appropriate, including the English Legal System.

Answer all questions.

- 1 In Source 1 [page 3 lines 44–47 Special Study Materials] the authors suggest that “The courts’ primary task on interpretation is to ascertain and give effect to the meaning of the words used ... ‘Construction’, on the other hand, is the process whereby uncertainties or ambiguities in a statute are resolved.”

Consider, in the light of the above, the extent to which use of the literal rule and the golden rule, are effective in resolving ambiguities and uncertainties in statutes. [30]

- 2 Discuss the extent to which the decision in *R v Walkington* [Source 11 page 9 Special Study Materials] represents a development of the law on burglary. [15]

- 3 In Source 3 [page 4 lines 9–14 Special Study Materials] the author suggests that “under the Larceny Act 1916 the word ‘violence’ had been used, but Parliament deliberately ... changed that word to ‘force’. It is a word in ordinary use. It is a word which juries understand.”

Discuss the attitudes of the courts to the offence of robbery in the light of the above statement. [25]

- 4 Consider whether a conviction for burglary is possible in each of the following situations:

(a) Rick, a student, has failed his exams. Chris, his lecturer, invites Rick to his house to discuss why Rick failed. During the evening Rick goes to the bathroom. On his way he passes Chris’ study and through the open door sees a file full of research notes which Rick knows is vital to Chris. Rick enters the room and pours ink all over the notes making them unreadable. (10)

(b) Jack, a student, intends to break into the house of Chris, his lecturer, to steal lecture notes. Jack begins to prise open a window with a screwdriver and has his fingertips just inside the crack when Chris returns home in his car. Chris opens the window and then invites Jack in, not wishing Jack to get into trouble, and asks him why he was doing it. (10)

(c) Jez, a student who has failed an exam, intends to enter the room of Chris, his lecturer, to beat him up. In fact when Jez enters the room Chris has already left work for the evening so Jez instead beats up Sukhy, another lecturer who shares the room with Chris. (10)

[30]