

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2573

Criminal Law Special Study

Wednesday **21 JUNE 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 number to the questions that 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 *Magor & St Mellons v Newport Corporation* Lord Simonds condemned the approach of Lord Denning of ‘filling in the gaps and making sense of the enactment’ as ‘a naked usurpation of the legislative function’ .” [Source 1 page 3 lines 60–62 Special Study Materials].

Discuss the use of a purposive approach to statutory interpretation in the light of the above statement. [25]

- 2 Discuss the extent to which the decision in *Dawson* [Source 3 page 4 Special Study Materials] can be said to be a fair development of the law. [15]

- 3 In Source 8 [page 7 lines 6–8 Special Study Materials] the author suggests that “Under s9 of the Theft Act 1968 ... the entry of the accused into the building must first be proved. Secondly, it must be proved that he entered as a trespasser.”

Discuss the ways in which the courts have defined “ entering a building as a trespasser ” in the light of the above statement. [30]

- 4 Consider whether an offence of robbery or burglary has been committed in each of the following situations:

(a) Mike knows that Jacquie has just received a large royalty cheque for her latest book. Because he is jealous Mike rushes at Jacquie in the street. He pushes Jacquie over and grabs the cheque and rips the cheque up. (10)

(b) Wesley drops a valuable first edition book while he is walking down the street. Steve, who knows the value of the book, picks it up and starts to run away. Wesley chases after Steve shouting for Steve to give the book back. Steve, who is much larger than Wesley, then turns and threatens that he will beat Wesley up if Wesley does not give up the chase. (10)

(c) Paul, a lecturer, intends to break into Mumtaz’s room in the law school to steal her collection of law text books. When Paul enters the room Mumtaz has taken all of the books home. Paul is so angry that when Mumtaz happens to return to her room and surprises Paul, he smashes Mumtaz’s head against the wall, fracturing her skull. (10)

[30]