

483/01

**LAW - LW3**

**THE LEGAL SYSTEM OF ENGLAND AND WALES**

P.M. MONDAY, 15 January 2007

(45 minutes)

**ADDITIONAL MATERIALS**

In addition to this examination paper, you will need a 12 page answer book.

**INSTRUCTIONS TO CANDIDATES**

- Candidates are required to answer this compulsory question.

**INFORMATION FOR CANDIDATES**

- The question carries 25 marks.
- Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.

*Answer the following question.*

1. Read the following source material and answer the parts of this question based on it.

“The question which has arisen in this case is whether and to what extent it is permissible to give weight to punctuation, cross-headings and side-notes to sections in the Act.”

Source: Lord Reid in *DPP v Schildkamp* (1971)

- (a) Identify the intrinsic aids to the interpretation of a statute. [3]

**and**

- (b) To what extent are rules of language relevant in the interpretation of statutes? [8]

**and**

- (c) Consider the following fictitious statute:

**Street Offences (fictitious) Act 2005**

Section 1: “It is an offence in a street to solicit any person for the purpose of prostitution”.

- (i) Marlene lives on the first floor of an apartment block. On 23 March 2006 Lloyd was passing her apartment. Marlene tapped the balcony railing outside her flat and shouted down: “Would you like to come up for a cup of tea”? Lloyd replied: “I know what you’re after; I’m going to tell the police”. Marlene has been prosecuted under Section 1 of the Act. [7]

**and**

- (ii) June is the owner of a beauty treatment business which is located in a private lane. Whilst June was painting the windows of her business, Susan, a police officer in plain clothes, enquired: “Are you open for business?” June replied: “We’re always open for business, would you like some extra special beauty treatment?” June is being prosecuted under Section 1 of the Act. [7]