



**General Certificate of Education
Advanced Subsidiary/Advanced**

483/01

**LAW – LW3
THE LEGAL SYSTEM OF
ENGLAND AND WALES**

P.M. MONDAY, 14 January 2008
(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.

“In accordance with the will of Parliament as reflected in section 3 [of the Human Rights Act 1998] it will sometimes be necessary to adopt an interpretation which linguistically may appear strained. The techniques to be used will not only involve the reading down of express language in a statute but also the implication of provisions. A declaration of incompatibility is a measure of last resort. It must be avoided unless it is plainly impossible to do so.”

Source: Lord Steyn in R v A (2001)

Study the text and answer the questions based on it:

- (a) Identify the techniques which the courts can employ when interpreting a statute which “may appear strained”. [5]
- (b) What is the impact of the Human Rights Act on the interpretation of statutes in England and Wales? [6]
- (c) Using your knowledge of statutory interpretation, consider whether an offence has been committed in the situations set out below.

Environmental Protection (Fictitious) Act 2006

Section 1:

“Any person who throws down, drops or otherwise deposits in, into or from any place to which a member of the public has access and leaves anything which litters the environment shall be guilty of an offence.”

- (i) Julie has a car which has a convertible roof. Whilst driving her car with the roof down, a number of papers were blown out of the car. She stopped the car and recovered as many papers as she could from the road but could not find some papers which had blown into a thick hedge. Julie is being prosecuted under Section 1 of the Act. [7]

and

- (ii) John was mowing his front garden lawn. He was eating chewing gum at the time and decided to throw his chewing gum into the rose bush located at the boundary of his front lawn. John is being prosecuted under Section 1 of the Act. [7]