



GCE AS/A level

483/01

LAW - LW3

**THE LEGAL SYSTEM OF ENGLAND AND
WALES**

P.M. FRIDAY, 23 May 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.

“The days have long passed when the courts adopted a strict constructionist view of interpretation which required them to adopt the literal meaning of the language. The courts now adopt a purposive approach which seeks to give effect to the true purpose of the legislation.”

Source: Lord Griffiths in Pepper v Hart, (1993)

(a) What is meant by the literal approach to statutory interpretation? [5]

and

(b) Explain the purposive approach referred to by Lord Griffiths. [6]

and

(c) Using your knowledge of statutory interpretation, consider whether an offence has been committed in the situations set out below.

Prevention of Prostitution (Fictitious) Act 2006

Section 1:

“Any person who leaves anything whatsoever for the purposes of prostitution in such circumstances as to cause or contribute to or tend to lead to the defacement of any place to which this section applies shall be guilty of an offence.”

One of the categories to which this section applies is a public open place, which is defined in *section 2*.

Section 2:

“Public open space means a place in the open air to which the public are entitled or permitted to have access without payment; and any covered place open to the air on at least one side and available for public use shall be treated as a public open place.”

- (i) Bethan pinned cards advertising “special services” on the free advertising board of her local supermarket which was located outside of the supermarket, under a covered entrance. Bethan is being prosecuted under the Act. [7]
- (ii) Matilda left three cards advertising the services of a prostitute in a telephone box. The telephone box was enclosed on three sides with a door on the fourth side which had a 3 inch gap at the bottom of the box which was open to the air. Matilda was prosecuted under the Act on the basis that the telephone box came within the definition of a “public open place”. [7]