

483/01

**LAW - LW3**

**THE LEGAL SYSTEM OF ENGLAND AND WALES**

A.M. MONDAY, 12 June 2006

(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)

Study the text and answer the questions based on it.

- (a) What is meant by the purposive approach referred to? [3]

**and**

- (b) To what extent, if any, do the provisions of the Human Rights Act 1998 represent a more important change than the purposive approach in the way in which judges approach the task of statutory interpretation? [8]

**and**

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

**Petrol (Fictitious) Act 2004**

*Section 1:* Any motor vehicle used for private driving which consumes petrol at a rate exceeding 25 miles per gallon (mpg) is classified, for the purposes of this Act, as a gas guzzler.

*Section 1 (2):* A gas guzzler must be fitted with a tachograph to check that it has not been used on a long journey.

*Section 2 (1):* It is an offence, punishable by a fine of £100, to drive a gas guzzler on long journeys.

*Section 2 (2):* A long journey consists of a maximum of 200 miles inside 24 hours.

- (i) Dawn has imported a 4x4 sports utility vehicle from the USA which only manages 15 mpg but it has no tachograph when it arrives. While waiting for a tachograph to be fitted, she drives a distance of 500 miles in 24 hours and when stopped by the police she admits this. Dawn is charged with an offence under Section 2. [7]
- (ii) Glyn owns a vintage bus which runs at 20mpg but he only drives it two or three times a year to vintage bus festivals. He normally takes two days to drive to festivals but when it breaks down on the way to a festival, he drives it over 200 miles in one day to get to a vintage festival in time. Unfortunately, he is stopped by the police as he enters the festival field and, after checking his tachograph, he is charged with an offence under Section 2. [7]