

Flashcards: Statutory interpretation

<p style="text-align: center;">Whiteley v Chappell (1868) (Literal rule)</p>	<ul style="list-style-type: none"> • Chappell stole a dead person's vote • 'offence to impersonate anyone entitled to vote' from the Poor Law Amendment Act 1856 • Literal rule: a dead person is not entitled to vote => Chappell was not impersonating Whiteley and was not guilty
<p style="text-align: center;">LNER v Berriman (1946) (Literal rule)</p>	<ul style="list-style-type: none"> • A railway worker was killed while doing maintenance work (oiling points along a railway line) • 'for the purposes of relaying and repairing' • Oiling points was maintaining the line, not relaying or repairing it • Didn't award Mrs Berriman a claim
<p style="text-align: center;">Fisher v Bell (1960) (Literal rule)</p>	<ul style="list-style-type: none"> • D was a shopkeeper, who had displayed a flick knife marked with a price in his shop window; he hadn't sold any; was he guilty of selling knives? • Restrictions of Offensive Weapons Act 1959 s 1(1) => 'offer for sale' (meaning didn't include where goods are displayed in a shop window) • D was not guilty of selling knives
<p style="text-align: center;">R v Allen (1872) (Golden rule – narrow approach)</p>	<ul style="list-style-type: none"> • Offences against the Person Act 1861 • Allen was charged with bigamy – 'to marry' • 'to marry' = going through the ceremony, not signing the legal documents after the ceremony • D was already married and was about to marry someone else • D was found guilty of bigamy
<p style="text-align: center;">Re Sigsworth (1935) (Golden rule – broad approach)</p>	<ul style="list-style-type: none"> • A son had killed his mother (she had not made an estates will) • Administration of Estates Act 1925 (the next kin inherits the estate) • The son would've inherited, but the court did not use the literal rule • 'issue' – next, next of kin

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<p>Heydon's Case (1584) (Mischief rule)</p>	<p>Raised the following questions</p> <ol style="list-style-type: none"> 1) What was the common law before the Act was made? 2) What was the mischief and defect for which the common law did not provide? 3) What was the remedy that Parliament created to cure the commonwealth? 4) What was the true reason for the remedy?
<p>Smith v Hughes (1960) (Mischief rule)</p>	<ul style="list-style-type: none"> • s1 Street Offences Act – ‘an offence for a prostitute to solicit in a street or public place’ • prostitutes on balconies, leaning out of a window staying on doorways trying to make business • technically, they were not on the street/public place • filled gap + said they were getting business from the street
<p>Royal College of Nursing v DHSS (1981) (Mischief rule)</p>	<ul style="list-style-type: none"> • Doctors are allowed to carry out abortions according to the Abortion Act 1967 • A nurse carried out an abortion • ‘registered medical practitioner’ – can carry out abortions • Technology + training has improved • Court filled the gap in law
<p>Eastbourne County Council v Stirling (2000) (Mischief rule)</p>	<ul style="list-style-type: none"> • Taxi driver was charged with ‘plying on here in any street’ without a license to do so • Taxi was parked on a station's forecourt, not on a street • Street Offences Act: taxi is on private hire => he could pick up customers => he was liable as that was illegal
<p>Jones v Tower Boot Co Ltd (1996) (Purposive approach)</p>	<ul style="list-style-type: none"> • Racism in workplace between employees • Race Relations Act (1976) • ‘in the cause of employment’ – employers are responsible for actions of employees => vicarious liability • Purpose of statute was to prevent racism in the workplace

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R v Registrar General ex parte Smith (1990)

(Purposive approach)

- s 51 Abortion Act 1976
- subsection 6 states that if the adoption was before 1975 the Registrar General could not give the information unless the applicant had attended an interview with a counsellor