



Humanities & Languages

Scarborough Sixth Form College

**Applied General Law
Summer Bridging Work**

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Statutory Interpretation

What is Statutory Interpretation?

- Parliament creates laws called **Acts of Parliament**, also known as **statutes**.
- However, when judges apply these laws to real-life situations, the wording is not always clear. Judges must decide what the words in the law mean and how Parliament intended the law to work.
- This process is known as **statutory interpretation**.
- Different judges may use different approaches when interpreting a statute. This can sometimes lead to different outcomes in cases.

The Literal Rule

The Literal Rule means that when a judge comes to interpret the words used in a law, the judge gives the words their ordinary, everyday meaning, even if the result leads to unfair or unusual outcomes.

Whiteley v Chappell (1868)	London & North Eastern Railway Co v Berriman (1946)
<p>Statute/Act of Parliament: <u>Parliamentary Elections Act 1868</u></p> <p>A law made it an offence to pretend to be "any person entitled to vote."</p> <p>The defendant pretended to be a dead person in an election.</p> <p>The court found him not guilty because a dead person is not legally entitled to vote. The judges followed the exact wording of the law.</p>	<p>Statute/Act of Parliament: <u>Fatal Accidents Act 1846</u></p> <p>A railway worker was killed while carrying out maintenance work i.e. oiling points on a railway line. His widow claimed compensation under a section of the statute that protected workers who were "relaying or repairing" the track.</p> <p>The court found that maintenance work was not the same as repairing or relaying. As a result, compensation was refused.</p> <p>These cases show how the Literal Rule follows the exact words of Parliament, even when the outcome may seem unfair.</p>

The Golden Rule

The Golden Rule starts by looking at the ordinary meaning of the words used in the law.

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However, if following the ordinary meaning would create an absurd or unfair result, judges can change the interpretation slightly to make the law work sensibly.

There are **two approaches** to the Golden Rule: The Narrow Approach + the Wide Approach

R v Allen (1872) – Example of the Narrow Approach of the Golden Rule	Adler v George (1964) – Example of the Wide Approach of the Golden Rule
<ul style="list-style-type: none"> • The narrow approach is used when a word or phrase has more than one possible meaning. • The judge chooses the meaning that makes the most sense and avoids an absurd result. <p>Statute/Act of Parliament: Section 57, <u>Offences Against the Person Act 1861</u></p> <p>The law stated: "Whosoever being married shall marry any other person during the lifetime of the former husband or wife..."</p> <p>This law was about bigamy.</p> <p>Bigamy means going through a marriage ceremony with another person while you are already legally married.</p> <p>Allen was already married. He then went through a second marriage ceremony with another woman.</p> <p>Allen argued that he could not be guilty of bigamy because a person who is already married cannot legally marry someone else. This meant, in his view, that he had not really "married" anyone.</p> <p>The court used the narrow approach of the Golden Rule.</p> <p>The word "marry" could have two possible meanings:</p> <ol style="list-style-type: none"> 1. To become legally married. 2. To go through a marriage ceremony. <p>The court chose the second meaning.</p> <p>This meant Allen was guilty because he had gone through a marriage ceremony while already married.</p>	<ul style="list-style-type: none"> • The wide approach is used when the words have only one clear meaning, but following that meaning would lead to an absurd or unacceptable result. • The judge can make a small change to the interpretation so that the law works properly. <p>Statute/Act of Parliament: Section 3, <u>Official Secrets Act 1920</u></p> <p>The law made it an offence to obstruct members of the armed forces "in the vicinity of a prohibited place."</p> <p>A prohibited place is a place where members of the public are not allowed to go, often for safety or security reasons.</p> <p>Adler was actually inside the prohibited place.</p> <p>He argued that he was not guilty because "in the vicinity of" means near or close to a place, not actually inside it.</p> <p>The court used the wide approach of the Golden Rule.</p> <p>The judges decided it would be absurd if someone outside a prohibited place could be guilty, but someone actually inside the prohibited place could escape punishment.</p> <p>The court therefore interpreted "in the vicinity of a prohibited place" to include being inside the prohibited place.</p> <p>Adler was found guilty.</p>

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If the court had followed Allen's argument, the law would not have worked properly. Nobody could be guilty of bigamy because a second marriage would never be legally valid.

This would have been an absurd result.

Simple Summary

Narrow Approach:

A word has more than one meaning, so the judge chooses the meaning that makes the law work sensibly.

Broad Approach:

The words have one clear meaning, but that meaning would create an absurd result, so the judge makes a small change to avoid the problem.

The Mischief Rule

The Mischief Rule asks:

- **What problem was Parliament trying to solve when it passed the law?**
- Judges then interpret the law in a way that stops that problem, sometimes called the "mischief".
- The focus is on the problem that existed when the law was created.

Smith v Hughes (1960)

Statute/Act of Parliament: Street Offences Act 1959

The law made it an offence for prostitutes to solicit customers "**in a street or public place.**"

At the time, Parliament was concerned about members of the public being approached or bothered by prostitutes in public places.

Some prostitutes tried to avoid the law by standing in windows and on balconies instead of standing directly in the street.

They argued that they were not guilty because they were not physically **in** the street.

The court used the **Mischief Rule**.

The judges asked what problem Parliament was trying to stop when it passed the Street Offences Act 1959.

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They decided that Parliament's aim was to stop people in public being approached by prostitutes, whether the prostitutes were standing in the street, in a doorway, at a window, or on a balcony.

As a result, the defendants were found guilty.

This case shows that the Mischief Rule focuses on the problem Parliament wanted to prevent, rather than the exact words used in the law.

The Purposive Approach

The Purposive Approach asks:

- **What was Parliament trying to achieve?**
- Unlike the Mischief Rule, which looks back at the problem Parliament wanted to fix, the **Purposive Approach** looks more broadly at the overall purpose and aims of the law.

R v Registrar-General, ex parte Smith (1990)

Statute/Act of Parliament: Section 51, Adoption Act 1976

The Adoption Act 1976 stated that an adopted person aged 18 or over could obtain a copy of their birth certificate.

Smith had been adopted as a child and wanted to obtain his birth certificate so that he could discover the identity of his birth mother.

However, Smith had a history of serious violence and mental health problems. There were concerns that he might use the information to find his birth mother and cause her harm.

Smith argued that the law gave him the right to obtain his birth certificate and that the Registrar-General should therefore provide it.

The court used the **Purposive Approach**.

The judges looked beyond the exact words of the law and considered what Parliament was trying to achieve when it passed the Adoption Act.

They decided that Parliament did not intend for the law to put people at risk of harm. Although the Act allowed adopted adults to access information about their birth families, Parliament's wider aim was also to protect people.

The court therefore decided that Smith should not receive a copy of his birth certificate.

This case shows how the Purposive Approach allows judges to focus on Parliament's overall aim rather than simply following the exact words of the law.

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The Difference Between the Mischief Rule and the Purposive Approach

A Simple Way to Remember the Difference:

Mischief Rule = What problem was Parliament trying to stop?

Purposive Approach = What outcome was Parliament trying to achieve overall?

You do not need to know any law before completing this booklet. Read the information carefully and answer the questions as you go.

Activity 1 – Definition Summary Table

Complete the table below using the information from the booklet.

Try to explain each rule in your own words.

Rule	What does this rule mean?
<i>Literal Rule</i>	
<i>Golden Rule</i>	
<i>Mischief Rule</i>	
<i>Purposive Approach</i>	

Reflection Questions

1. Which rule follows the exact words used by Parliament?

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2. Which rule allows judges to avoid absurd results by changing the meaning of words slightly?

3. Which rule focuses on the problem Parliament was trying to solve?

4. Which rule focuses on Parliament's overall aim or purpose?

Activity 2 – Case Summary Table

Complete the table using the information from the booklet.

<i>Case</i>	<i>Rule Used</i>	<i>What was the issue?</i>	<i>Decision</i>
Whiteley v Chappell (1868)			
Berriman (1946)			
R v Allen (1872)			

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Adler v George (1964)			
Smith v Hughes (1960)			
R v Registrar- General, ex parte Smith (1990)			

Activity 3 – Multiple Choice Questions

1. What is statutory interpretation?

- A. Creating new laws
- B. Interpreting and applying Acts of Parliament
- C. Prosecuting criminal offences
- D. Deciding whether Parliament can make laws

2. Which rule gives words their ordinary meaning?

- A. Golden Rule
- B. Mischief Rule
- C. Literal Rule
- D. Purposive Approach

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3. Which rule allows judges to avoid an absurd result?

- A. Literal Rule
- B. Golden Rule
- C. Mischief Rule
- D. Purposive Approach

4. Which rule focuses on the problem Parliament was trying to solve?

- A. Literal Rule
- B. Golden Rule
- C. Mischief Rule
- D. Purposive Approach

5. Which rule focuses on Parliament's overall aim?

- A. Literal Rule
- B. Golden Rule
- C. Mischief Rule
- D. Purposive Approach

6. Which case involved prostitutes soliciting from windows?

- A. Whiteley v Chappell
- B. Adler v George
- C. Smith v Hughes
- D. R v Allen

7. Which case involved a man pretending to be a dead voter?

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- A. Berriman
- B. Whiteley v Chappell
- C. Smith v Hughes
- D. R v Allen

8. Which case involved a person applying for a birth certificate?

- A. R v Allen
- B. Berriman
- C. Adler v George
- D. R v Registrar-General, ex parte Smith

Activity 4 – Applying Different Rules

The purpose of this activity is to show how different approaches to statutory interpretation can produce different outcomes.

Scenario 1 – The Park Scooter Act 2026

The Park Scooter Act 2026 states:

"It is an offence to ride a vehicle in a public park."

Taylor rides an electric scooter through a public park.

1. How would this case be decided using the Literal Rule?

2. How would this case be decided using the Purposive Approach?

3. Would the outcome be the same or different? Explain.

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Scenario 2 – The Library Protection Act 2026

The Library Protection Act 2026 states:

"No dogs may enter a public library."

A blind person enters a library with a guide dog.

1. How would the Literal Rule apply?
2. How might the Purposive Approach apply?
3. Which approach produces the fairest outcome?

Scenario 3 – The Safe Streets Act 2026

The Safe Streets Act 2026 states:

"It is an offence to sell energy drinks to children under 16."

A shop owner gives an energy drink away for free to a 15-year-old.

1. How would the Literal Rule apply?
2. How might the wide approach of the Golden Rule apply?
3. How might the Purposive Approach apply?

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4. Why might the different approaches produce different outcomes?

Activity 5 – Comparing the Literal Rule and the Purposive Approach

Read the information below.

Literal Rule

The Literal Rule means judges follow the ordinary meaning of the words in the law.

Good points

- It is easier to predict what the law means because judges follow the exact words.
- It stops judges from changing the law too much.
- It makes Parliament's words important because judges are following what was written.

Bad points

- It can sometimes lead to unfair results.
- It can make the law look silly if the wording does not fit the situation.
- It does not always think about why the law was created.

Purposive Approach

The Purposive Approach means judges look at what Parliament was trying to achieve when it made the law.

Good points

- It can lead to fairer decisions.
- It helps the law work in modern situations.
- It focuses on the reason why the law was created.

Bad points

- Judges might have different opinions about what Parliament was trying to achieve.
- It can make the law harder to predict.
- It gives judges more freedom to move away from the exact words of the law.

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Case Study – Jones v Tower Boot Co Ltd (1997)

Statute/Act of Parliament: Race Relations Act 1976

The Race Relations Act 1976 was created to stop racial discrimination in workplaces.

Jones was a young black employee who worked for Tower Boot Company.

While at work, Jones was repeatedly bullied and subjected to racist abuse by some of his fellow employees. Because of this treatment, he eventually left his job.

Jones believed that his employer should be held responsible for what had happened and brought a legal claim against the company.

The Race Relations Act stated that employers could be responsible for discriminatory acts committed by employees "**in the course of employment.**"

When the case was first heard, the judges focused on the ordinary meaning of the words. They decided that racist bullying was not part of the employees' jobs, so the employer could not be held responsible.

Jones appealed, but the same decision was reached.

The case eventually reached the Court of Appeal.

This time, the judges used the **Purposive Approach**. They looked at what Parliament was trying to achieve when it passed the Race Relations Act.

The judges decided that Parliament wanted to prevent racial discrimination in workplaces. They ruled that the employer could be held responsible for the actions of the employees.

This case shows how different approaches to statutory interpretation can lead to different outcomes.

Activity 5 – Questions

Understanding the Rules

1. What is one good point about the Literal Rule?
2. What is one bad point about the Literal Rule?
3. What is one good point about the Purposive Approach?

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4. What is one bad point about the Purposive Approach?

Understanding the Case – Jones v Tower Boot Co Ltd (1997)

5. Who was Jones?
6. Why did Jones bring a legal claim against his employer?
7. What words from the Race Relations Act had to be interpreted by the courts?
8. Why was Jones unsuccessful when the case was first heard?
9. Why was Jones unsuccessful when he first appealed?
10. Why did the Court of Appeal reach a different decision?

Applying Your Knowledge

11. Which approach to statutory interpretation was used by the Court of Appeal?

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12. Why do you think the Court of Appeal preferred this approach?

13. Which decision do you think was fairer: the earlier decisions or the Court of Appeal's decision? Explain your answer.

14. What does *Jones v Tower Boot Co Ltd* tell us about the importance of statutory interpretation?

15. Do you think judges should focus more on the exact words Parliament uses or on what Parliament was trying to achieve? Explain your answer.

Extension Task

Imagine Parliament passes a new law called the **School Phone Safety Act 2026**.

The Act states:

"Students must not use mobile phones during lessons."

A student is in a lesson and uses a smartwatch to send messages to a friend.

Answer the questions below:

1. How would the Literal Rule apply?

2. How might the Purposive Approach apply?

