

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2571

Criminal Law 1

Monday **19 JUNE 2006** Afternoon 1 hour 30 minutes

Additional materials:
16-page Answer Booklet

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **two** questions, **one** from Section A and **one** from Section B.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the numbers of the questions you answer on the front of your answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question.
- The total number of marks for this paper is 100.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

Answer two questions, one from Section A and one from Section B .

Section A

Answer one question from this Section.

- 1 'Murder is widely recognised as the most serious offence that a person can commit. However, the law governing the offence of murder is often difficult for an ordinary juror to understand.'

Discuss, in the light of the above statement, whether the common law governing the offence of murder is satisfactory or is in need of reform by Parliament. [50]

- 2 'Judicial decisions during the last fifteen years about provocation as a special and partial defence to murder suggest that provocation has become too wide in its application and is in need of reform'.

Critically consider whether there is any justification for this statement. [50]

Section B

Answer one question from this Section.

- 3 Barry invites his aunt, Mary, aged 82, to stay with him. Barry cooks for Mary for the first two weeks and they eat together in the evenings.

Mary then starts to behave in a strange way. She locks herself in her bedroom and refuses to come out. Barry leaves meals outside her door but Mary refuses to eat them. He tries to talk to her through her door for a day or two but Mary only shouts rude remarks so he gives up trying to communicate with her and merely leaves the food. Each time he takes the untouched food away after an hour or two.

A week after he has last seen her, Barry breaks down the door and finds Mary lying unconscious on the floor. He telephones for an ambulance which takes Mary to hospital. Mary is placed on a life support machine but she fails to regain consciousness. After three weeks Doctor Jones wrongly diagnoses Mary as being in a persistent vegetative state with no hope of recovery. Doctor Jones disconnects the life support machine.

Discuss the liability of Barry and Doctor Jones for the manslaughter of Mary. [50]

- 4 Simon is unemployed and has very little money. He goes into the kiosk of a petrol station and points an imitation gun at the 70 year old attendant, George. Simon hands George a note which reads 'This is a robbery, hand over all the money in the cash register'. George appears to be very frightened and says 'Please don't hurt me, I've got a weak heart'. Simon says 'Do as I say or I will shoot you'. George hands him all the cash and Simon runs off with the money.

George telephones the police. They arrive 5 minutes later to discover George has collapsed on the floor. Immediately the police radio for an ambulance. Within 10 minutes George arrives at hospital and is taken to the casualty department. All the hospital staff are busy and George is not seen by a doctor for an hour. The duty doctor, Amy, then sees George and realises he has stopped breathing and is in a critical condition. Despite the best efforts of Amy to resuscitate him, George dies of a heart attack.

Consider the liability of Simon for the death of George. [50]