

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS**

**Advanced GCE**

**LAW**

**2572**

**Criminal Law 2**

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.**

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**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 Discuss the extent to which a person who commits an offence because they have been forced to do so against their will, may have a defence of either duress or necessity. [50]
- 2 'The law on consent as a defence has been decided according to considerations of public policy rather than being developed in a reasoned and logical way.'

Critically evaluate the truth of this statement. [50]

### Section B

Answer one question from this Section.

- 3 Asif has been pestering Samra for months. He telephones her every day saying he loves her. Samra tells him she does not like him and wants him to stop. He continues to call her every day and remains silent until she puts down the phone. Samra is now afraid to go out and has to seek psychiatric help for anxiety and headaches.

She tells her boyfriend Zaheer what is happening. Zaheer sees Asif in the street and approaches him waving his fist and shouting "Leave Samra alone or I will kick your head in". Asif mistakenly thinks Zaheer is about to hit him so he punches Zaheer in the face cutting Zaheer's eyebrow and causing Zaheer to fall backwards and bang his head on the pavement. Zaheer is taken to hospital where he has to spend four days in hospital recovering from severe concussion.

Discuss Asif's liability for the above incidents.

(Ignore any offences that may have been committed under the Protection From Harassment Act 1997.) [50]

- 4 Dave is looking after his friend Mark's flat while Mark is away on holiday. Mark has told Dave that he must not go into Mark's bedroom under any circumstances. Dave decides to make himself at home in Mark's flat one evening. He helps himself to a ready-made meal from the fridge and washes it down with a can of lager. Dave then decides to investigate Mark's bedroom where he is attracted to an envelope addressed to Mark which has written on it 'Privileged Customer Offer – To be opened by the addressee only'. Dave nevertheless opens it and inside is a personalised free guest admission ticket to the 'Devil's Cauldron' night club.

The next evening Dave goes to the 'Devil's Cauldron' night club using Mark's ticket to gain admission. After consuming several strong drinks in the club he sees a £20 note on the floor near the bar. He picks it up and keeps it. He leaves the club and gets into a taxi. When he arrives at the corner of his street, Dave suddenly jumps out of the taxi and runs away without paying the driver.

Discuss Dave's criminal liability for the above incidents. [50]