

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2571

Criminal Law 1

Wednesday **19 JANUARY 2005** Morning 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 paper/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.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part 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 'The meaning of intention in criminal law has now been clearly settled by decisions of the courts and there is no longer any need for Parliament to legislate upon the matter.'

Critically consider whether you agree with this statement. [50]

- 2 'The criminal law deals satisfactorily with those who aid, abet or counsel a principal offender in carrying out a crime or who procure the commission of an offence by someone else. It is vital that such participation in crime is properly dealt with.'

Assess the truth of this statement by reference to the relevant law. [50]

Section B

Answer one question from this Section.

- 3 Alan's wife Diana has been having an affair with Brian. Alan has become very depressed and has been placed on medication by his doctor. He decides to kill her and agrees to meet Diana in a remote lay-by, in his car, on the pretence that he wants to discuss the idea of a divorce.

Alan is secretly armed with a loaded gun and, when Diana once more declares her undying love for Brian, Alan produces the gun. Alan says, 'Now you are going to get what you deserve' and points the gun at her. Before he has put his finger on the trigger she knocks the gun from his hand and leaps out of the car. She runs out into the road where she is hit by a passing lorry and killed instantly.

Discuss the liability of Alan for the death of Diana. [50]

- 4 Emma hires Fred, a qualified electrician, to re-wire her house. She is unhappy when she notices sparks coming from the switches as she turns some lights on or off. Emma complains to Fred who returns to do some checks. He assures her that everything is in order and perfectly safe. The next morning, Emma goes to take a shower in the bathroom. When she turns on the shower control, she receives an electric shock that causes her to fall and bang her head, knocking her unconscious.

Fortunately, her friend, Gita, arrives almost immediately and discovers Emma. Gita calls an ambulance and Emma is rushed to hospital. She is still critically ill when she develops an infection. Hugh, a junior doctor employed by the hospital, fails to read Emma's medical notes properly. The notes clearly show that Emma is allergic to penicillin. Hugh gives Emma penicillin to treat the infection. As a result of her allergy Emma dies.

Discuss the liability of Fred and Hugh for Emma's death. [50]