

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2571

Criminal Law 1

Monday

20 JUNE 2005

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 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 'In general, the criminal law prohibits the doing of harm but does not impose criminal liability for an omission. However, there are justifiable exceptions to this general principle.'

Assess the truth of this statement by reference to situations where a failure to act may result in criminal liability. [50]

- 2 'Criminal intentions do not always produce a completed substantive offence. Nevertheless, it is both just and essential for the protection of society that those who intend to carry out criminal acts are subject to prosecution in the same way as those who actually succeed in committing crimes.'

Consider whether you agree with this statement using examples from the current law on attempts. [50]

Section B

Answer one question from this Section.

- 3 Corinne has been in a steady relationship with David for over ten years. They have always had arguments during which David has often hit Corinne. He has also threatened her that if she ever tries to leave him he will track her down and 'sort her out'. This has made Corinne feel depressed and trapped in the situation. She has been to her doctor who has placed her on medication to treat her depression.

One evening Corinne and David argue again and, in the course of the dispute, David insults her calling her 'pathetic and useless'. Corinne starts to cry so David slaps her face and tells her to 'grow up'. David then goes to bed. Corinne sits and watches television for two hours before going to the bedroom. When she sees David asleep she is suddenly overcome with anger and picks up the bedside lamp which she smashes over David's head killing him instantly. Corinne has now been charged with David's murder.

Discuss Corinne's potential liability including any defences that she may have available to her under the Homicide Act 1957. [50]

- 4 Anwar, aged 15, has had a fight with his brother Hanif. Anwar sneaks into his brother's bedroom and removes Hanif's laptop computer. He takes it out of the house and goes to a nearby motorway bridge. He throws the computer off the bridge intending to destroy the computer. The computer smashes through the windscreen of a car driven by Tina. She is physically unhurt but is so shocked that she brakes violently and the car swerves sharply. Tina's car collides with a car driven by Sunil. Sunil loses control and his car crashes down the embankment at the side of the motorway. Sunil's car then overturns and Sunil suffers from serious injuries and is losing a lot of blood.

An ambulance takes Sunil to hospital where Bashir, a doctor, informs Sunil that he requires an immediate blood transfusion to save his life. Sunil refuses to give his consent to the transfusion as it is against his beliefs. Sunil dies two hours later.

Discuss the potential liability of Anwar for the manslaughter of Sunil. [50]

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