

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2572

Criminal Law 2

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 'The defence of intoxication represents a satisfactory compromise between justice for an individual defendant and the demands of public policy.'

Assess the accuracy of this statement.

[50]

- 2 Explain how and why the courts have restricted the availability of consent as a defence to non-fatal offences against the person.

[50]

Section B

Answer one question from this Section.

- 3 Martha suffers from epilepsy but knows that she can control her condition by taking medication at the correct times. One Saturday, shortly after leaving home to go and stay at her friend Heidi's house for a week, she realises that she has forgotten to take her medication with her. She decides that she can do without it.

The following Friday, Martha is in Heidi's front room having a cup of coffee when she has an epileptic fit, falls on the floor and starts to have convulsions. Martha lashes out uncontrollably knocking over a jug which spills water on to Heidi's new carpet and breaks a cup that is on the coffee table. Heidi becomes upset and tries to restrain Martha by holding her down. Martha struggles violently cutting Heidi's lip and causing her severe bruising on her arm.

Discuss any potential offences that Martha may have committed together with any defences available to her.

[50]

- 4 Doreen is walking down the street carrying her bag when Stephen comes up behind her, snatches the bag from her grasp and runs off. Younis sees the incident and chases Stephen. Younis catches Stephen and wrestles him to the ground causing a graze to Stephen's elbow. In the struggle, a £10 note falls from Doreen's bag.

At that moment, Mike, comes out of a nearby shop. He sees the struggle and thinks that Younis is attacking Stephen. He kicks Younis in the chest fracturing one of Younis' ribs. Stephen then runs off with Doreen's bag still in his possession. Mike then sees the £10 note lying on the ground next to Younis, picks it up and decides to keep it for himself.

Consider the potential criminal liability of Stephen, Younis and Mike and any defences that may be available to them.

[50]