

**ADVANCED GCE
LAW**

G144

Criminal Law Special Study

FRIDAY 18 JANUARY 2008

Afternoon

Time: 1 hour 30 minutes

Additional materials: 8-page Answer Booklet
Criminal Law Special Study Materials



INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the spaces provided on the separate Answer Booklet.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **all** the questions.
- 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.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

INFORMATION FOR CANDIDATES

- The special study materials have provided a starting point for study of the topics set. Each booklet contains source material which indicates the area of substantive law to be tested. You are expected to demonstrate understanding of the area of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- **Quality of Written Communication (QWC)**
Candidates are reminded of the need to write in continuous prose where appropriate. You will be assessed on your written communication and your use of appropriate legal terminology.
- The number of marks for each question is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **80**.

This document consists of **2** printed pages.

Answer **all** questions.

1 Discuss the ways in which *Pommell* [Source 8 page 6 Special Study Materials] developed the defence of duress of circumstances. [12]

2 In Source 1 [page 2 lines 1–3 Special Study Materials] Lord Lane states that “*The law requires a defendant to have the self-control reasonably to be expected of the ordinary citizen in his situation. It should likewise expect him to have the steadfastness reasonably to be expected of the ordinary citizen in his situation.*”

Discuss the limitations and restrictions on the defence of duress by threats developed by the courts in the light of the above statement. [30]

3 Discuss whether or not the defence of duress would be available to the people accused of various crimes in each of the situations below.

a) Harriet steals goods from a local shop. Harriet claims that she only carried out the theft because her boyfriend, Ian, who has several convictions for violence, threatened that he would beat Harriet severely if Harriet did not carry out the theft. (10)

b) Jaz burns down his employer's factory. Jaz claims that he only did so after Kulwinder, an ex-workmate who was sacked, rang Jaz from India and said that he would harm Jaz's children when he returned from India if Jaz did not do it. (10)

c) Louis commits a violent assault on Malcolm, his manager. Louis claims that he only carried out the assault because he was threatened by Neil, an ex-workmate who was sacked by Malcolm. Neil threatened that he would tell Louis' wife that Louis was having an affair with one of the secretaries if Louis did not do it. (10)

[30]

QWC [8]