

ADVANCED GCE

G144

LAW

Criminal Law Special Study

FRIDAY 20 JUNE 2008

Afternoon

Time: 1 hour 30 minutes

Additional materials (enclosed): Answer Booklet (8 page)
Criminal Law Special Study Materials

Additional materials (required):
None



INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the spaces provided on the 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 significance of the case of *Gotts* [Source 4 page 3 Special Study Materials] to the development of the law on duress by threats. [12]

- 2 In Source 8 [page 6 lines 1–3 Special Study Materials] Lord Justice Kennedy states that “*The strength of the argument that a person ought to be permitted to breach the letter of the criminal law in order to prevent a greater evil to himself or others has long been recognised but has, in English law, not given rise to a general defence of necessity ...*”

Discuss how the courts have limited development of the defences of duress of circumstances and necessity in the light of the above statement. [30]

- 3 Stella, Tina and Ursula are all prostitutes who pay money to Ralph, their pimp. Ralph has a criminal record for violent assaults.

Discuss whether any of the women would have a defence of duress available to them in relation to each of the following criminal charges.

- a) Ralph sends Stella a text message one night saying that unless she pays Ralph £2,000 the following day Ralph will kill her. Stella steals money from an off-licence having threatened the shop assistant with a knife. (10)
- b) Ralph threatens Tina that he will tell Tina’s husband that she is a prostitute and will kill Tina’s pet dog unless she steals money from her husband. Tina steals money from her husband. (10)
- c) Ralph threatens that he will kill Ursula’s children unless Ursula kills Violet. Ursula puts poison in Violet’s drink but Violet does not like the smell of it and throws the drink away. (10)

[30]

QWC [8]