

INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the question paper or in your answer booklet during this time, if you wish.
- **The question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios in Section B ONLY.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

*This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

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SECTION A

(Answer ALL questions in Section A)

1. Explain the requirement that the *actus reus* and the *mens rea* of a crime must coincide.
(4 marks)
2. Explain what is meant by 'damage' in respect to the offence of criminal damage.
(3 marks)
3. Explain the *mens rea* of murder.
(3 marks)
4. State **two** types of involuntary manslaughter.
(2 marks)
5. Explain the meaning of 'appropriation' within the Theft Act 1968 and give a case example, which illustrates the meaning.
(3 marks)
6. Identify the **three** instances within the Theft Act 1968 which are **not** considered to be dishonest.
(3 marks)
7. Explain the *mens rea* requirement of 'attempt', with reference to case law.
(4 marks)
8. Identify and explain the elements of a defence based on duress by threats.
(4 marks)
9. (a) Give **two** justifications for strict liability offences.
(2 marks)
- (b) Give **two** criticisms of strict liability offences.
(2 marks)

(Total: 4 marks)

(Total Marks for Section A: 30 marks)

SECTION B

(There are three scenarios in Section B. Answer the questions relating to **ONE** of the scenarios **ONLY**)

Scenario 1

Jack drives his car to the local park to exercise his dog. Whilst walking across the park he sees a small leather bag on the ground. He picks up the bag, opens the zip and inside the bag finds a leather hat. As it is a very cold day he puts the hat on and continues on his walk. Had he examined the bag closely he would have seen a name, address and phone number on the bag's label.

On his way back to the car park he takes off the leather hat and places it on a nearby bench. Next to the car park is a pedestrian bridge which crosses over a river. Jack knows that the river is deep and very fast flowing. Whilst reversing his car out of his parking bay he hits the steps to the pedestrian bridge. As a result of the collision the steps to the pedestrian bridge are knocked out of place and some of them are broken. Jack gets out of his car, pushes the steps back into place, but the steps are now unsecured and dangerous.

Shortly after Jack leaves the car park, Salma arrives in her car. She parks her car and walks towards the pedestrian bridge. She climbs the first few steps, the steps suddenly move and topple over and Salma falls into the river. Salma cannot swim, is swept away by the river and drowns.

Scenario 1 Questions

1. In relation to Jack taking the leather hat:
 - (a) Define the offence with which he might be charged.
(2 marks)
 - (b) Explain whether Jack has carried out the necessary *actus reus* for the offence.
(6 marks)
 - (c) Explain how dishonesty is established.
(3 marks)
 - (d) Explain whether Jack has the necessary *mens rea* for the offence.
(4 marks)
(Total: 15 marks)

2. In relation to Jack driving his car into the steps:
 - (a) State the offences with which Jack might be charged.
(3 marks)
 - (b) Explain whether the elements of the offences have been established.
(8 marks)
(Total: 11 marks)

3. In relation to Salma's death:
 - (a) Identify the offence with which Jack may be charged.
(2 marks)
 - (b) Explain whether the elements of the offence have been established.
(7 marks)
 - (c) Assume Salma's death had occurred some weeks later. Explain the law in relation to causation.
(5 marks)
(Total: 14 marks)

(Total Marks for Scenario 1: 40 marks)

Scenario 2

Ray, a short-tempered man, attends his football club's supporters' party to celebrate their recent promotion. The party is being hosted by the Supporters' Club chairman, Jim. Ray has never liked Jim, particularly after Jim started dating Ray's former girlfriend. Ray is also irritated at the sight of his colleagues laughing at Jim's jokes and telling Jim what a good party it is. To soothe his irritation, Ray spends the time in a corner watching a replay of the final game of the season, drinking a large amount of alcohol. At the end of the party people begin leaving. Jim tells Ray the party is finishing and it is time for him to leave but Jim does not wait for Ray to finish his drink. A heated argument breaks out between them. In anger, Ray picks up a beer mug and throws it at Jim. Jim sees the beer mug coming and moves out of the way to avoid it. The beer mug hits the wall and cracks as a result. Fortunately no one is injured as everyone, apart from Ray and Jim, has already left the premises.

The following morning Ray is called to Jim's office where he is told that as a result of his behaviour the night before, his membership of the Supporters' Club has been terminated and he is banned from the building. Ray tells Jim that he cannot terminate his membership. Jim replies, "I am the chairman, I can do what I like. Mind you, I understand how you feel, first losing your girlfriend and now being banned from the club." On hearing this last remark, Ray jumps to his feet and walks up and down the office trying to control his anger. Ray then stops and reaches across the desk, grabbing Jim by the shirt. With his other hand he punches Jim a number of times in the face, knocking him out. While Jim is unconscious on the floor Ray repeatedly kicks him in the head. Jim is taken to hospital and is in need of a blood transfusion. When Jim is resuscitated, he refuses to have a blood transfusion on the basis of his religious beliefs. Jim subsequently dies.

Scenario 2 Questions

1. In relation to the incident involving the beer mug:
- (a) Explain the nature and elements of any offence with which Ray might be charged.
(5 marks)
 - (b) Explain whether the elements of the offence have been established.
(5 marks)
(Total: 10 marks)
2. Ray claims that because of the amount of alcohol he drank at the party, he has very little recollection of what happened at the end of the evening. Explain what effect, if any, his intoxication might have on his liability in relation to the incident with the beer mug.
(6 marks)
3. In relation to Jim's death:
- (a) Explain the rules on causation.
(5 marks)
 - (b) Consider how they will apply to the situation.
(5 marks)
(Total: 10 marks)
4. If Ray is charged with murder, explain what the prosecution must prove to obtain a conviction. Explain whether, on these facts, the prosecution is likely to be successful.
(4 marks)
5. Assuming that Ray is charged with murder:
- (a) Explain the nature and requirements of any defence that he might raise.
(6 marks)
 - (b) Consider how the requirements apply to the situation.
(4 marks)
(Total: 10 marks)

(Total Marks for Scenario 2: 40 marks)

Scenario 3

Gemma invites Keely to Gemma's 18th birthday party which is to be held in the local village hall. They have known each other since junior school. Keely has been envious of Gemma as she seems to have lots of money and is always buying new clothes.

Keely is determined to spoil the party. On the day of the party Keely goes to the village hall and sprays graffiti all over the doors and windows with soluble paint.

The party in the village hall starts and Keely duly arrives and says 'hello' to Gemma. After Keely has been at the party for about 20 minutes she sees a purse lying on the floor. Making sure no one is looking she picks up the purse and opens it. There is a £20 note inside but nothing else. The purse contains no form of identification, but she thinks it belongs to someone with whom she works and who is also at the party. She takes the £20 out of the purse puts it in her pocket and then throws the purse into a waste bin.

During the evening Keely notices that all the birthday presents that are brought for Gemma are being stored in the cloakroom. When she thinks no one is watching she enters the cloakroom with the intention of taking some of Gemma's presents. She searches through the presents to find one she can put in her pocket. When she finds one and is about to put it into her pocket Gemma's mother enters the room and asks her what she is doing. Keely tells her that she is just leaving a present for Gemma and puts the present that she has just picked up, on the pile of presents. Gemma's mother believes that Keely has brought the present.

Keely leaves the cloakroom taking, what she believes to be her coat, which in fact is a much more expensive coat than hers.

Scenario 3 Questions

1. In relation to spraying the village hall with paint:
- (a) Identify the offence with which Keely is likely to be charged.
(2 marks)
 - (b) Explain whether Keely is likely to be convicted of that offence.
(4 marks)
(Total: 6 marks)
2. In relation to the purse:
- (a) Explain the nature and requirements of any offence with which Keely may be charged.
(6 marks)
 - (b) Explain whether Keely has the necessary *mens rea* for the offence.
(6 marks)
(Total: 12 marks)
3. In relation to the present in the cloakroom:
- (a) Explain the elements of 'attempt' in criminal law.
(6 marks)
 - (b) Explain whether the requirements have been established.
(6 marks)
(Total: 12 marks)
4. (a) Assume that Keely is charged with theft of the coat, explain any defence which she may raise.
(6 marks)
- (b) Explain whether the elements of theft are met if after leaving the party Keely realises that the coat is not hers and does nothing.
(4 marks)
(Total: 10 marks)

(Total Marks for Scenario 3: 40 marks)

End of Examination Paper

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