

## 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. State the *actus reus* of murder. **(3 marks)**
2. Describe **two** ways in which it is possible to establish liability for an omission to act using relevant case law. **(4 marks)**
3. Identify **two** differences between basic criminal damage and aggravated criminal damage in the Criminal Damage Act 1971. **(2 marks)**
4. Identify **two** types of involuntary manslaughter by reference to case law. **(4 marks)**
5. Identify the **three** statutory beliefs contained within the Theft Act 1968. **(3 marks)**
6. Explain the two part test used in Ghosh to establish dishonesty in theft cases. **(2 marks)**
7. State the *mens rea* of attempt. **(1 mark)**
8. Explain when the following may be used as a defence:
  - (a) voluntary intoxication, **(3 marks)**
  - (b) involuntary intoxication. **(2 marks)**

**(Total: 5 marks)**
9. Explain when the general defence of mistake may be used. **(3 marks)**
10. Explain **three** justifications for strict liability offences. **(3 marks)**

**(Total Marks for Section A: 30 marks)**

## SECTION B

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

### Scenario 1

Tim, a Kempston United football supporter, attends one of their away games at Bromham Rovers. Before the game he decides to have a few beers in a bar near the football ground.

He knew that the bar would be full of Bromham Rovers supporters and that there might be trouble if he was wearing his own club scarf. Tim goes to the Bromham Rovers Supporters Club shop and picks up a Bromham Rovers scarf puts it round his neck and walks out of the shop without paying; he intends to put it back on the shelf after he has been to the bar.

In the bar Tim has a few beers. He sees a stand at the end of the bar displaying pre-packed sandwiches for sale. He walks over to the stand and is about to take a pack and put them in his pocket when he hears the barman shout at him, "they are all the same price mate". Tim walks away without the sandwich.

Before leaving the bar Tim goes to the toilet where he looks round to make sure nobody else is about and then takes a pen out of his pocket and writes on the wall in the toilet 'Kempston United rule OK'.

He leaves the bar and walks to the football ground and as he is passing the Bromham Rovers Supporters Club shop, he throws the scarf into the shop.

### Scenario 1 Questions

1. In relation to the scarf:
    - (a) State the *actus reus* and *mens rea* of any offence that Tim may have committed.  
**(6 marks)**
    - (b) Discuss whether Tim has the *mens rea* for the offence.  
**(6 marks)**  
**(Total: 12 marks)**
  
  2. In relation to the sandwich:
    - (a) Explain the *actus reus* and *mens rea* of any offence Tim may have committed.  
**(6 marks)**
    - (b) Discuss whether Tim has committed the offence.  
**(4 marks)**  
**(Total: 10 marks)**
  
  3. Explain whether the defence of intoxication would be available to Tim if he was charged with the offence in Question 2 above.  
**(10 marks)**
  
  4. In relation to the writing on the wall:
    - (a) Explain the *actus reus* and the *mens rea* of the offence Tim may have committed.  
**(6 marks)**
    - (b) Explain whether or not Tim could be convicted of this offence.  
**(2 marks)**  
**(Total: 8 marks)**
- (Total Marks for Scenario 1: 40 marks)**

## Scenario 2

Theo is a builder by trade. He is currently doing some repairs to Shantala's house.

One day whilst having a drink in a bar, after work, he is approached by Doug. Theo has known Doug for a long time and has in the past done some building work for him. He is aware that Doug has a criminal record for violence. Doug says that he knows Theo is working at Shantala's house and wants Theo to do something for him. Doug wants Theo to scratch the side of her car and to let some of the air out of one of the tyres of her car, so that it makes the car difficult to steer. He says the reason he wants this done is because Shantala has just divorced his brother Edward and it has cost Edward a lot of money and made him very unhappy.

Doug tells Theo that he looks after people who help him, but those who do not help him often have 'accidents' and get seriously hurt.

The next day, while Theo is working at Shantala's house, Theo lets some air out of one of the front tyres of Shantala's car. He also picks up a screwdriver and scrapes it down the side of the passenger door. This leaves a deep scratch on the paint. The screwdriver is in fact Shantala's, but Theo puts it in his pocket without thinking about it.

Later that day, Shantala drives to the shops and crashes into a tree due to the car steering sharply to the left. This was caused by the lack of air in one of the tyres. Luckily Shantala is unharmed but is a little shaken up by the accident.

On his way home Theo realises he has Shantala's screwdriver, takes it out of his pocket and throws it away on to waste ground.

## Scenario 2 Questions

1. In relation to the tyre:

(a) Explain the *mens rea* and *actus reus* of any offence Theo may have committed.

**(6 marks)**

(b) Discuss whether Theo has the necessary *mens rea* for the offence.

**(4 marks)**

**(Total: 10 marks)**

2. In relation to the scratched car door:

(a) Explain the *mens rea* and *actus reus* of any offence Theo may have committed.

**(6 marks)**

(b) Discuss whether Theo has committed the offence.

**(4 marks)**

**(Total: 10 marks)**

3. Assuming Theo is charged with either or both of the offences in Questions 1 and 2 above, discuss any possible defence he may have.

**(10 marks)**

4. In relation to the screwdriver:

(a) State the *actus reus* of any offence Theo may have committed.

**(3 marks)**

(b) Discuss whether or not Theo has the *mens rea* for this offence.

**(7 marks)**

**(Total: 10 marks)**

**(Total Marks for Scenario 2: 40 marks)**

### Scenario 3

Adam owns a grocery shop that is licensed to sell alcohol. Bert is only 17 years old and so is not legally allowed to buy alcohol. One day, Bert enters Adam's shop and says he wants to buy a bottle of vodka. Adam says that he will not sell him the vodka unless he can prove he is over 18, as required by law. Bert tells Adam that he has left his proof of age at home but that he will give Adam an extra £10 for the bottle to save him having to go home and get his proof of age. Adam agrees and sells him the bottle of vodka and puts it in one of Adam's carrier bags, for him to take away.

Bert then phones his girlfriend Cathy and asks her over to his house to have some of the vodka. When she arrives, he pours Cathy a small glass of vodka and then quickly drinks the rest of the bottle and eventually falls into a chair in a drunken state. Cathy tries to wake him but he does not respond. She starts to dial for an ambulance but does not make the call as she thinks she might get into trouble for drinking alcohol under age. Cathy then returns to her own house.

During the night Bert dies from alcohol poisoning.

In the morning Bert is found by his father, David, who sees the empty bottle and the carrier bag from Adam's shop and realises what has happened.

After Bert's body has been taken away and the police and paramedics have left, David goes to Adam's shop, filled with rage. On entering the shop he sees Adam's wife Ethel and in an uncontrollable rage picks up a tin of baked beans and hurls it at her from a short distance away, aiming for her head. The tin hits Ethel with such force that it breaks her skull and she dies immediately.



### Scenario 3 Questions

1. In relation to Bert's death:

(a) State the elements of any offence for which Adam may be charged.

**(6 marks)**

(b) Explain whether the elements of the offence have been committed.

**(4 marks)**

**(Total: 10 marks)**

2. Also in relation to Bert's death:

(a) Explain the elements of gross negligence manslaughter.

**(4 marks)**

(b) Explain whether Cathy has committed gross negligence manslaughter.

**(6 marks)**

**(Total: 10 marks)**

3. In relation to Ethel's death:

(a) Explain the *actus reus* and *mens rea* of any offence which David may have committed.

**(7 marks)**

(b) Explain whether the elements of the *mens rea* of the offence have been established.

**(3 marks)**

**(Total: 10 marks)**

4. Assuming David is charged with Ethel's murder, explain how he might be able to plead the defence of loss of control.

**(10 marks)**

**(Total Marks for Scenario 3: 40 marks)**

**End of Examination Paper**

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