

## 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 PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

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**SECTION A****(Answer ALL questions in Section A)**

1. State what is needed to prove 'malice aforethought' in the crime of murder?  
**(2 marks)**
2. Explain the requirement that the *actus reus* and *mens rea* of the crime must be present at the same time.  
**(3 marks)**
3. Define the actus reus of basic criminal damage as set out in s.1 (1) Criminal Damage Act 1971.  
**(3 marks)**
4. Explain what is meant by indirect (or oblique) intention by reference to case law.  
**(3 marks)**
5. Identify the three situations described in s2(1) Theft Act 1968 which are not dishonest.  
**(3 marks)**
6. Explain the Ghosh test for dishonesty.  
**(2 marks)**
7. Explain, with reference to case law, the *actus reus* in s1(1) of the Criminal Attempts Act 1981.  
**(4 marks)**
8. Explain the circumstances when voluntary intoxication can be a defence to a criminal act.  
**(3 marks)**
9. Explain when duress by threats can be a defence to a criminal act.  
**(4 marks)**
10. Explain what is meant by a strict liability offence and give **one** example of a strict liability offence.  
**(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

Jason goes to the ground of his favourite football team to watch them play a league match. Before the match Jason has a few beers with some fellow supporters.

During the game the ball is kicked into the crowd and to save time a spare ball is thrown on to the pitch so that play can continue without delay. After a few seconds Jason feels something by his foot. He looks down and sees it is the football that has been kicked out of play. When he sees that no one is looking he puts the ball into his carrier bag. Once the game is finished Jason leaves the football ground with his carrier bag and the football.

On his way home he takes the football from the carrier bag and starts kicking it down the street. On the other side of the street he sees his friend Crispin. He shouts at him and then kicks the ball as hard as he can in Crispin's direction. Crispin sees the ball coming and moves out of its way. The ball smashes into the window of a nearby house and breaks a pane of glass. When he sees what he has done Jason runs away.

As Jason walks down the road to his house he notices that someone has left a pint of milk on their door step. Jason quietly walks up the front path of the house where the milk is and is about to pick it up, when the front door opens. Jason turns and runs away.

### Scenario 1 Questions

1. In relation to his actions at the football match:
  - (a) State the *actus reus* and *mens rea* of any offence that Jason may have committed.  
**(6 marks)**
  - (b) Discuss whether Jason has the *actus reus* and *mens rea* for the offence.  
**(6 marks)****(Total: 12 marks)**
  
2. Discuss any possible defence Jason may have in relation to the incident with the football at the match.  
**(8 marks)**
  
3. In relation to the broken window:
  - (a) State the *actus reus* and *mens rea* of any offence that Jason may have committed.  
**(6 marks)**
  - (b) Discuss whether Jason has the *mens rea* for the offence.  
**(4 marks)****(Total: 10 marks)**
  
4. In relation to the pint of milk:
  - (a) State the *actus reus* and *mens rea* of any offence that Jason may have committed.  
**(6 marks)**
  - (b) Discuss whether Jason has the *mens rea* for the offence.  
**(4 marks)****(Total: 10 marks)**

**(Total Marks for Scenario 1: 40 marks)**

## Scenario 2

Danielle, a university student, spent most of her time locked away in her bedroom playing on her computer and ignoring her studies. She had become obsessed by one of the online games, known as 'Attack' and was beginning to think that she was one of the characters in the game she played. The character was called Gulline and was known for her violence towards the opposite sex. Danielle started to dress in costumes similar to her online game character Gulline and behaving in strange ways. Sometimes she would talk to a chest of drawers believing there were animals in them. Recently, she started to insist that her friends call her Gulline.

One Friday night Danielle's friends persuaded her to go out with them to the local bar. She dressed in a way she thought Gulline would dress. Once in the bar she glared at any male who looked at her. Eventually she confronted a man who had looked at her and said "what are you looking at?" The man, who was called Bob, replied by saying, "certainly not your ugly face." In a fit of rage Danielle picked up the nearest glass smashed it on the table and then stabbed the jagged end of the glass into Bob's neck. The glass cut one of Bob's main arteries and he later bled to death.

Danielle ran from the pub into the street. There was an old man in her way. Danielle punched him. The old man lost his balance, fell into the road and was run over by a bus. It was being driven within the speed limit but could not avoid running over him. The old man was crushed to death by the bus.

Danielle was later arrested.

## Scenario 2 Questions

1. In relation to Bob's death:
    - (a) State the elements of the offence with which Danielle may be charged.  
**(6 marks)**
    - (b) Explain whether the elements of the offence have been committed.  
**(4 marks)****(Total: 10 marks)**
  
  2. Assuming Danielle is charged with murder, explain any defences which would reduce the offence of murder to one of voluntary manslaughter.  
**(10 marks)**
  
  3. In relation to the death of the old man:
    - (a) Explain the elements of constructive manslaughter.  
**(4 marks)**
    - (b) Explain whether Danielle has committed constructive manslaughter.  
**(6 marks)****(Total: 10 marks)**
  
  4. In relation to the death of the old man:
    - (a) Explain what is meant by causation in criminal law.  
**(4 marks)**
    - (b) Explain whether Danielle caused the old man's death?  
**(6 marks)****(Total: 10 marks)**
- (Total Marks for Scenario 2: 40 marks)**

### Scenario 3

Bolah owns a bakers shop called 'Bolah's Bakery'.

One day she is serving a regular customer called Ernie. She is so busy chatting with him that when he pays for the bread and cakes he has bought she mistakenly gives him change for a £20 note rather than the £10 note that Ernie had given her. When Bolah realises her mistake she hurriedly leaves the shop to catch up with Ernie. In her haste knocks over a plant which is on the counter. Some of the earth in the plant pot falls onto some of the cakes. Bolah fails to notice this.

Bolah catches up with Ernie and explains that she has made a mistake and given him too much change. Ernie says it is her mistake and refuses to give it back.

Bolah returns to her shop and sees Anna a regular customer, waiting to be served. Anna buys some cakes including one that Bolah has accidentally spilt earth on. When Anna arrives home she eats the cake with the earth on. She subsequently suffers severe stomach pains.

After work Bolah locks up the shop and gets on what she thinks is her friend's bicycle and cycles home. In fact, the bicycle belongs to Zach and not her friend. On the way home Bolah is passing Ernie's house. She sees Ernie's car parked on the drive and stops and scratches it with her shop keys. The police subsequently charge Bolah with theft of the bicycle.



### Scenario 3 Questions

1. In relation to Ernie:
    - (a) State the *actus reus* of any offence that Ernie may have committed.  
**(6 marks)**
    - (b) Discuss whether Ernie has the *mens rea* for the offence.  
**(4 marks)**  
**(Total: 10 marks)**
  
  2. Bolah has been charged with a strict liability offence in relation to the contaminated cakes.
    - (a) Explain the nature of a strict liability offence.  
**(2 marks)**
    - (b) State whether there are any defences available for a strict liability offence.  
**(2 marks)**
    - (c) State the justifications for strict liability offences.  
**(2 marks)**
    - (d) Explain why strict liability offences are criticised.  
**(2 marks)**  
**(Total: 8 marks)**
  
  3. Assuming Bolah's friend had given her consent to using her bicycle.
    - (a) Explain the defence she might be able to use if it was Bolah's friend's bicycle.  
**(3 marks)**
    - (b) Explain the defence she might be able to use if she had consent but took the wrong bicycle.  
**(5 marks)**  
**(Total: 8 marks)**
  
  4. In relation to Ernie's car:
    - (a) Explain the element of any offence with which Bolah may be charged.  
**(8 marks)**
    - (b) Explain whether the elements of the offence have been committed, with reference to case law.  
**(6 marks)**  
**(Total: 14 marks)**
- (Total Marks for Scenario 3: 40 marks)**

**End of Examination Paper**

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