

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. The *actus reus* of a crime may be committed by an omission. This is where the defendant has a duty to do some positive act.

Explain any **two** situations where there is a duty to act using case law.

(4 marks)

2. Explain the **two** types of causation in criminal law.

(4 marks)

3. Explain oblique intention (also known as indirect intention) with reference to case law.

(2 marks)

4. List the **three** types of criminal damage within s.1 Criminal Damage Act 1971.

(3 marks)

5. Identify any **two** specific defences to a charge of murder.

(2 marks)

6. Explain the **three** elements necessary to establish unlawful act manslaughter otherwise known as constructive manslaughter.

(5 marks)

7. Explain what is meant by property under the Theft Act 1968.

(3 marks)

8. Explain the *actus reus* of attempt under the Criminal Attempts Act 1981.

(2 marks)

9. Explain the defence of mistake.

(3 marks)

10. List any **two** justifications for strict liability offences.

(2 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

Cassandra is a university lecturer. One day she was about to leave work and noticed it was raining heavily. Cassandra saw that a colleague had left an umbrella by the office door. She took the umbrella intending to return it the next day.

Cassandra arrived at the bus stop to take the bus home but when she looked at her watch she realised that she had missed it and there was not another one for an hour. She decided to go to a bar nearby and have a glass of wine. She enjoyed the first glass so much that she had several more glasses of wine. While she was drinking the last glass of wine, she noticed her bus had arrived at the bus stop outside the bar. Annoyed that she was unable to finish the wine she threw the contents of the glass into the air and ran to catch the bus not bothering to pick up the umbrella. The wine landed on an expensive coat belonging to another customer.

When she arrived home she saw that a newspaper was sticking out of her next door neighbour's letter box. Cassandra went over to take the newspaper and had just put her hand on it to pull it from the letterbox when she heard someone walking towards her. She stopped what she was doing for fear that someone was watching her.

Scenario 1 Questions

1. In relation to the umbrella:
- (a) Explain whether Cassandra has the *mens rea* of any offence when she picks up the umbrella.
(6 marks)
- (b) When Cassandra leaves the bar, explain whether this affects her *mens rea* for the offence?
(6 marks)
(Total: 12 marks)

2. In relation to the expensive coat:
- (a) State the elements of any offence for which Cassandra may be charged.
(6 marks)
- (b) Explain whether the elements of the offence have been established.
(5 marks)
(Total: 11 marks)

3. Assuming Cassandra is charged with the offence in relation to the expensive coat, discuss any defence she may raise and whether or not it would be successful.
(10 marks)

4. In relation to the newspaper:
- (a) Explain the *actus reus* and *mens rea* of any offence that Cassandra may have committed.
(5 marks)
- (b) Explain whether Cassandra has committed the *actus reus* for the offence.
(2 marks)
(Total: 7 marks)

(Total Marks for Scenario 1: 40 marks)

Scenario 2

Richard has a mental health condition and suffers from delusions. He believes he is one of the best footballers in his country. Despite being told by a number of football clubs that he would never be a professional footballer, he chose to ignore them and believed it would only be a matter of time before a football club would sign him up.

One Saturday afternoon he went to his local football club and entered the dressing rooms before the other players arrived and put on one of the football kits. He then ran onto the pitch and waited for the other players.

When the other players turned up they started laughing at Richard and telling him to get off the pitch. Without warning Richard ran at the goalkeeper, grabbed his hair and banged his head against the goal post with such force that it split his skull and the goalkeeper died instantly.

Richard then started running towards the exit of the ground and just as he was nearing the exit gate an elderly groundsman stepped out from the side of a building. Trying to escape, Richard ran at the groundsman and hit him with his shoulder. The groundsman was knocked down and had a heart attack from which he later died. Some weeks before this incident, the groundsman had been in hospital for a heart operation and had been told not to do anything strenuous.

Scenario 2 Questions

1. In relation to the goalkeeper's death:
 - (a) State the elements of any offence for which Richard may be charged.

(4 marks)
 - (b) Explain whether the elements of the offence have been established.

(6 marks)
(Total: 10 marks)

 2. Assuming Richard is charged with murder, discuss any defences which would reduce the offence of murder to one of voluntary manslaughter.

(10 marks)

 3. In relation to the death of the groundsman:
 - (a) Explain the elements of constructive manslaughter.

(5 marks)
 - (b) Explain whether Richard has committed constructive manslaughter.

(6 marks)
(Total: 11 marks)

 4. (a) Explain causation in criminal law.

(5 marks)

 - (b) Explain the thin skull rule in relation to Richard's potential liability for the death of the groundsman.

(4 marks)
(Total: 9 marks)
- (Total Marks for Scenario 2: 40 marks)**

Scenario 3

Seema and her boyfriend had been homeless for several weeks and had not eaten for a day. Her boyfriend told her that unless she went and found something to eat he was going to beat her up and then leave her.

Seema went off to see if she could beg for some food. She was passing the back door of a supermarket and saw a box of food waiting to be put into a van for delivery. She ran over to the box and started stuffing as many items as she could into her pockets.

A security guard came out of the supermarket and shouted at her. Seema dropped the food she was holding and reached into her pocket to get the penknife she always carried with her, so that she could scare the security guard.

The security guard ran at her and Seema thrust the knife into his stomach.

The security guard was taken to hospital, but the doctors did not think that his injuries were life threatening. At the hospital he was given a drug to stop infection. Although he reacted badly to the drug, the doctor gave him further and larger doses. As a result the security guard went into a comma and died.

Scenario 3 Questions

1. Explain the *actus reus* of any offence that Seema may have committed in relation to the box of food.

(6 marks)

2. Assume Seema is charged in relation to the offence with the box of food. Discuss any defence she may raise and whether or not it would be successful.

(10 marks)

3. In relation to the death of the security guard:

(a) Explain the elements of constructive manslaughter.

(5 marks)

(b) Explain whether Seema has committed constructive manslaughter.

(Do not discuss the effect of the doctor's actions.)

(6 marks)

(Total: 11 marks)

4. In relation to the doctor's treatment of the security guard:

(a) With reference to case law explain the elements of gross negligence manslaughter.

(6 marks)

(b) Explain whether the doctor has committed gross negligence manslaughter.

(3 marks)

(c) Explain whether this was an intervening act in relation to Seema's actions.

(4 marks)

(Total: 13 marks)

(Total Marks for Scenario 3: 40 marks)

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