



THE CHARTERED 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 CILEX 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 CILEX 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. Name any **three** main features of the *actus reus* of a crime. **(3 marks)**
2. Explain how causation is established in criminal law. **(4 marks)**
3. Explain what is meant by oblique intention. **(2 marks)**
4. State **two** statutory defences to the offence of criminal damage. **(2 marks)**
5. Identify the **two** partial defences to murder. **(2 marks)**
6. Explain gross negligence manslaughter (involuntary manslaughter) and name a case to illustrate your answer. **(4 marks)**
7. State the **three** statutory beliefs contained in s2(1) of the Theft Act 1968. **(3 marks)**
8. Explain the *mens rea* of attempt. **(3 marks)**
9. Explain the defence of intoxication with reference to case law. **(4 marks)**
10. Give **three** justifications for strict liability crimes. **(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

Ross, a university student, spends most of his time at home on his computer playing a football game and believing, at times, he is one of the players on the virtual pitch. One day he invites his friend Ken round so that Ross can show him how good he is at the football game.

Ken arrives and Ross starts playing the football game. At the end of the game Ross has scored 300 points. He then offers the controls to Ken saying, "You will be lucky if you can score more than 200 points." At the end of the game Ken has scored over 350 points and starts to laugh out loud.

Ross, without saying a word, picks up the computer screen and smashes it with all his strength into Ken's face. Ken falls unconscious to the floor.

Ross realises that Ken's injury is serious, as he is still unconscious after several minutes. Ross phones for an ambulance which takes 30 minutes to arrive.

Whilst Ken is being carried to the ambulance on a stretcher, the two ambulance staff drop the stretcher twice before they reach the ambulance.

The doctor at the hospital does not examine Ken immediately. When he does he prescribes the wrong treatment and Ken lapses into a coma and dies a week later.

Scenario 1 Questions

1. In relation to the computer screen being smashed into Ken's face:
 - (a) State the *mens rea* of the offence with which Ross might be charged.

(2 marks)
 - (b) State the *actus reus* of the offence with which Ross might be charged.

(4 marks)
(Total: 6 marks)

 2. In relation to the offence with which Ross might be charged:
 - (a) Explain any defences Ross might be able to raise.

(10 marks)
 - (b) Apply these defences to the facts of the scenario.

(6 marks)
(Total: 16 marks)

 3. Discuss whether Ross has caused Ken's death.

(10 marks)

 4. In relation to the doctor's actions:
 - (a) State the offence with which the doctor might be charged.

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

(6 marks)
(Total: 8 marks)
- (Total Marks for Scenario 1: 40 marks)**

Scenario 2

Joan had been drinking in a bar for several hours when she remembered that she had forgotten to buy the evening meal for her and her flatmate, Ethel, as she had agreed. She left the bar and went to a supermarket. She discovered that she was short of money because she had spent so much in the bar. Joan put several items of shopping in her trolley. She selected a piece of meat and put it in her coat pocket because she knew that she did not have enough money to pay for it.

Once Joan had finished the rest of her shopping, she queued up to pay. As she was waiting she saw that the supermarket had CCTV in operation and immediately took the meat from her pocket and dropped it on the floor. At the checkout Joan paid for all the food in her trolley.

When Joan arrived home she saw a note from Ethel saying she would not be home that night. Joan went to Ethel's bedroom, as she knew Ethel always kept some money in her bedside cabinet. Ethel had borrowed £20 from Joan a week ago. Joan took £20 and also an unused bus ticket she saw in the drawer.

Joan used Ethel's bus ticket to go back into town. She then used the £20 she had taken from Ethel's bedside cabinet to buy more drinks.

Scenario 2 Questions

1. In relation to the piece of meat:

(a) Discuss whether Joan has the *mens rea* of any offence.

(5 marks)

(b) Discuss whether Joan has the *actus reus* of any offence.

(5 marks)

(Total: 10 marks)

2. Explain any defence Joan may have in relation to the piece of meat.

(10 marks)

3. In relation to the £20:

(a) Identify the elements of the offence with which Joan may be charged.

(6 marks)

(b) Discuss any **statutory** defence Joan may have.

(4 marks)

(Total: 10 marks)

4. In relation to the bus ticket:

(a) Discuss whether Joan has the *mens rea* of any offence.

(6 marks)

(b) Discuss whether Joan has the *actus reus* of any offence

(4 marks)

(Total: 10 marks)

(Total Marks for Scenario 2: 40 marks)

Scenario 3

Samara has known Ibrahim for several years, as a friend of her brother. She is aware that Ibrahim always carries a lot of money on him and she knows that he has not earned all of it through legal means. Samara works in a shop which sells watches and other expensive items of jewellery. In the back of the shop there is a secure walk-in safe where the most valuable items are kept when they are not on display.

One day, Ibrahim tells Samara that he knows about the safe, and that he knows about a diamond and ruby bracelet, which is kept in it. He shows her a bracelet which he has had made for him. It is a replica of the bracelet that is kept in the safe, except that the diamonds and rubies are fake. Ibrahim tells Samara that he wants her to secretly swap the bracelets over, when she gets a chance to do so. Samara immediately refuses but Ibrahim says that, if she agrees he will reward her. He goes on to say that if she does not swap the bracelet either she or a member of her family will be seriously hurt.

Very reluctantly Samara agrees to change the bracelets over the next day.

At work Samara has grave doubts about this. She is so scared of Ibrahim she does what he asks. As soon as she sees that no one is about or watching her she enters the safe. She takes out the bracelet that Ibrahim has given her but then discovers that the real bracelet is not there.

She puts the bracelet Ibrahim has given her back in her pocket, just as her manager enters the safe. She asks him where the expensive bracelet is and he tells her that it was sold yesterday.

Scenario 3 Questions

1. In relation to Ibrahim asking Samara to change the bracelets over:
- (a) Define the offence that Ibrahim wants Samara to commit. **(6 marks)**
 - (b) Discuss whether Samara has the *mens rea* of the offence. Ignore any defence she may have. **(4 marks)**
- (Total: 10 marks)**
2. (a) Discuss any defence that may be available to Samara. **(8 marks)**
- (b) Explain whether the fact that Samara knows Ibrahim does not earn all his money by legal means will affect her defence. **(2 marks)**
- (Total: 10 marks)**
3. In relation to Samara entering the safe:
- (a) With what offence might Samara be charged? **(2 marks)**
 - (b) Explain the *actus reus* of the offence? **(4 marks)**
 - (c) Discuss whether Samara has committed the *actus reus* of the offence. **(4 marks)**
 - (d) Explain the *mens rea* of the offence? **(4 marks)**
 - (e) Discuss whether Samara has the *mens rea* of the offence. **(2 marks)**
 - (f) Discuss whether the fact that the bracelet has been sold affects Samara's legal position. **(4 marks)**
- (Total: 20 marks)**
- (Total Marks for Scenario 3: 40 marks)**

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