



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 11 – CRIMINAL LITIGATION*

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

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials 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 paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- 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**

Question 1

This relates to **Document 1** of the case study materials.

You continue to attend Ken in the office and he requires advice on the following:

- (a) Explain the role of the clerk in a magistrates' court.
(5 marks)
 - (b) Explain the purpose of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative.
(5 marks)
 - (c) State what factors the magistrates' court will take into account when sentencing.
(8 marks)
- (Total: 18 marks)**

Question 2

This relates to **Document 3** of the case study materials.

You continue to attend Peter in the office and he requires advice on the following:

- (a) State the factors to which magistrates must have regard at the mode of trial hearing under s.19 of the Magistrates Court Act 1980.
(4 marks)
 - (b) State the National Mode of Trial Guidelines 1995 which the magistrates should take into account when deciding whether the matter should be tried summarily.
(5 marks)
 - (c) Apply s.19 of the Magistrates Court Act 1980 and the National Mode of Trial Guidelines 1995 to Peter's case.
(5 marks)
 - (d) Identify the benefits of a trial by jury.
(4 marks)
- (Total: 18 marks)**

Question 3

This relates to **Document 2** of the case study materials.

You are required to advise Peter on the following:

- (a) Identify **two** respects in which DS Sharpe and DC Blunt did not comply with the correct procedure in the police station interview.
(2 marks)
- (b) What action can be taken at trial in relation to Peter's confession statement?
(2 marks)
- (c) Peter requires public funding and he will need to complete a CDS14 form. Identify and explain the **four** most appropriate reasons given on the form to support Peter's application for public funding.
(8 marks)

(Total: 12 marks)

Question 4

This relates to **Document 4** of the case study materials.

You continue to attend Mark at the police station. Mark tells you that the police are asking to take an 'intimate sample' and requires information on the following:

- (a) Give Mark **two** examples of an intimate sample.
(2 marks)
- (b) Identify the requirements which must be met before the police can obtain an intimate sample.
(3 marks)
- (c) What is the consequence for the suspect of failing to provide an intimate sample?
(1 mark)

(Total: 6 marks)

Question 5

This relates to **Document 4** of the case study materials.

Mark has now been charged with sexual assault and denied police bail. It is intended that a bail application will be made on his first appearance before the magistrates and Mark requires advice on the following:

(a) List any **three** bail conditions which could be offered to increase the likelihood of bail being granted.

(3 marks)

(b) What are the consequences of failing to answer to bail (i.e. absconding)?

(3 marks)

(c) The matter has been transferred to the Crown Court. Explain the rules governing disclosure.

(4 marks)

(d) Mark is found guilty in the Crown Court but wishes to appeal the decision. Explain the procedure for such an appeal.

(6 marks)

(Total: 16 marks)

End of Examination Paper