



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

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

1. Define the *mens rea* of criminal liability.  
**(3 marks)**
2. A failure to act can lead to criminal liability, where a duty to act has been established. Explain, with the use of case law, any **two** situations where this might happen.  
**(4 marks)**
3. Explain 'causation in law' within criminal law.  
**(3 marks)**
4. Explain aggravated criminal damage.  
**(4 marks)**
5. Explain the **two** qualifying triggers which lead to there being a loss of control under the Coroners and Justice Act 2009.  
**(4 marks)**
6. Define the *actus reus* of theft.  
**(3 marks)**
7. Explain the *mens rea* of criminal attempt.  
**(3 marks)**
8. Explain the defence of mistake.  
**(4 marks)**
9. State any **two** factors which may indicate that an offence may be one of strict liability.  
**(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

Adam was a fitness instructor in the Kempston Gym. Adam took his own personal fitness very seriously to an extent where he had become obsessed by it. He had been diagnosed by his doctor as having an Obsessive Compulsive Disorder.

Adam was giving a fitness class when a student called Dave said loudly, "These classes can't be all that good if that is all they have done for Adam". Adam heard this comment and reacted by picking up a heavy weight and hitting Dave on the head with it as hard as he could. The heavy weight killed Dave instantly.

Adam ran towards the exit of the gym. He saw his manager in the doorway and ran at him, barging him out of the way. The manager was knocked over and banged his head hard on the ground.

An ambulance arrived and the manager was taken to Kempston General Hospital. The accident and emergency unit was extremely busy. Without the aid of an X-ray, the doctor who attended to him, diagnosed that he had mild concussion. He was given some pain-killing tablets and sent home.

He had, in fact, suffered a severe head injury and died later that night.

## Scenario 1 Questions

1. In relation to Dave:

(a) Identify and discuss the crime with which Adam might be charged.

**(6 marks)**

(b) Explain any partial defences Adam might raise if he is charged.

**(10 marks)**

**(Total: 16 marks)**

2. In relation to the manager:

(a) Name and define the crime with which Adam might be charged.

**(10 marks)**

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

**(4 marks)**

**(Total: 14 marks)**

3. In relation to the manager's death:

(a) Explain how causation is established in criminal law.

**(7 marks)**

(b) Explain whether the doctor's actions amount to an intervening act.

**(3 marks)**

**(Total: 10 marks)**

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

## Scenario 2

Nina and Odri were flatmates and shared all the household bills equally. Nina gave Odri money for her share of the electricity bill so that he could pay the bill on his way home from work.

That evening, as he was cycling home from work, Odri decided that instead of paying the electricity bill, he would use the money Nina had given him to buy a new coat.

He left his bike outside and went into the shop. Odri found a coat he liked and was about to pay for it when he saw a hat that he liked as well. He knew he did not have enough money for both the hat and coat. He picked up the hat and was about to put it into the inside pocket of his jacket, when he saw a security guard watching him. He looked at the hat and then put it back from where he had taken it.

Having paid for the coat, he was concerned that the security guard was still watching him and so hurried to the exit before he was approached. As he did so, he knocked over a portable heater, which set a nearby display on fire. The fire alarms sounded and the shop had to be evacuated.

Once outside the shop he got on a bike which he thought was his and rode home. The bike he had cycled home on was not his, but a much more expensive one.

## Scenario 2 Questions

1. In relation to the money for the electricity bill:
  - (a) Identify and discuss the offence with which Odri might be charged.  
**(6 marks)**
  - (b) Explain whether Odri had the necessary *mens rea* for the offence.  
**(4 marks)****(Total: 10 marks)**
  
2. In relation to the hat explain what offence Odri has committed.  
**(6 marks)**
  
3. In relation to the fire:
  - (a) Explain the elements of any offence with which Odri might be charged.  
**(8 marks)**
  - (b) Apply the law to determine whether Odri has committed an offence.  
**(6 marks)****(Total: 14 marks)**
  
4. In relation to Odri taking the wrong bike:
  - (a) Explain the defence he will rely on.  
**(7 marks)**
  - (b) How would your answer in 4(a) above change if he decided to keep the bike after he arrived home?  
**(3 marks)****(Total: 10 marks)**

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

### Scenario 3

Ken and Peter had been friends for a number of years. During that time they committed some illegal, and sometimes violent, acts together. One day Peter approached Ken and said that he was having a lot of trouble with his brother-in-law, Mark, who was regularly beating up Peter's sister.

Peter told Ken to beat up Mark because he could not do it himself as he would be the first one the police would suspect. Ken said that his days of violence were over and he wasn't going to do it. Peter told him to think carefully about refusing as there were plenty of things he could tell Ken's wife about his nights out without her. Peter then said "apart from that she has a pretty little face and it would be a shame if it got spoiled".

Ken spent some time considering what to do. Eventually he decided that he had no alternative but to give in to Peter's threats. Ken bought a baseball bat and went to Mark's house. He knocked on the front door and as Mark opened the door he swung the baseball bat at him with great force. Ken missed Mark completely and fell over.

Ken, fearing that Mark might jump on him, quickly got to his feet. He picked up the baseball bat and ran from the front door. Mark's car was parked on the drive and Ken smashed the windscreen with the baseball bat as he left.



### Scenario 3 Questions

1. In relation to Ken swinging the baseball bat at Mark:

(a) Identify and explain the *actus reus* of any offence which has been committed.

**(6 marks)**

(b) Apply the law to determine whether Ken has committed any offence.

**(6 marks)**

**(Total: 12 marks)**

2. In relation to Ken swinging the baseball bat at Mark:

(a) Identify and explain the defence Ken is likely to plead.

**(10 marks)**

(b) Explain why this defence is likely to fail.

**(4 marks)**

**(Total: 14 marks)**

3. In relation to smashing the windscreen:

(a) Identify and explain the *actus reus* of any offence which has been committed.

**(6 marks)**

(b) Identify the *mens rea* of the offence.

**(2 marks)**

(c) Assume Mark had been driving off in his car when Ken smashed the windscreen.

Identify and explain any offence which has been committed by Ken.

**(6 marks)**

**(Total: 14 marks)**

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

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