

INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 3 hours 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.
- **All questions carry 25 marks. Answer FOUR only of the following EIGHT questions. The question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Law 2010-11, 20th Edition, Peter Glazebrook, Oxford University Press, August 2010.**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE.**

SECTION A

(Answer at least one question from this section)

1. Defences of mental disorder reflect an unsatisfactory collision of principles: individual responsibility for crime and the protection of the individual in society.

Explain and evaluate the above statement.

(25 marks)

2. (a) Explain the role and function of the defence of duress.

(10 marks)

- (b) To what extent is the defence of necessity a separate concept from that of duress?

(15 marks)

(Total: 25 marks)

3. (a) The current meaning of intention in the criminal law confuses evidential inferences with a rule of law. Discuss.

(17 marks)

- (b) Explain the meaning of and rationale for the existence of strict liability offences.

(8 marks)

(Total: 25 marks)

4. 'What or who has caused a certain event to occur is essentially a practical question of fact which can best be answered by ordinary common sense rather than by abstract metaphysical theory'. *Lord Salmon in Alphacell Ltd v Woodward 1972*

Critically analyse the above statement.

(25 marks)

SECTION B

(Answer at least one question from this section)

Question 1

Betty and Charles had been happily married for 50 years. Last year Betty suffered a serious head injury which left her significantly disabled and prone to sudden mood swings during which she is often violent. Charles has continued to care for her at home, but is finding it increasingly difficult. He suffers from depression and is fearful of what may happen to Betty when he can no longer care for her.

Discuss the potential liability of Charles for the death of Betty in both of the following **separate** circumstances

- (a) Charles is awoken in the middle of one night by Betty running a bath. Half asleep and very upset Charles drags Betty out of the bathroom back towards her bedroom and slaps her. Betty slips and falls down stairs as a result of which she dies.

(11 marks)

- (b) Betty becomes weaker and is in constant pain, which causes her to cry out repeatedly. Unable to bear her crying any longer, Charles gives her a fatal dose of sleeping tablets which results in her death.

(14 marks)

(Total: 25 marks)

Turn over

Question 2

Ethan visits a shopping centre in order to beg for money from shoppers. When he is there he notices a display of whisky inside one of the shops. He decides to go into the shop and find out whether he could take a bottle unseen. On entering the shop, he realises the display is under surveillance. He notices however that there is a stock room which has been left unlocked, and is apparently unobserved. He enters the stock room and takes a number of CDs bearing security tags showing the shop's name. On leaving the area, he is seen by a store detective, who attempts to stop him. In order to make good his escape, Ethan hits the store detective who sustains a broken nose. In the altercation some of the CDs are broken, others are dropped.

Ethan makes off with only two CDs which he then sells to Fred, a market stall holder dealing in second hand records and CDs. Fred removes the security tags and sells the CDs to a customer, stating that they are demonstration discs straight from the record company. Ethan then goes to a local cafe, orders and consumes a 'full English breakfast' and leaves without paying for his meal.

Discuss the criminal liability, if any, of Ethan and Fred.

(25 marks)

Question 3

George and Harry have been drinking all day in the Kempston Oak, a public house, whilst watching the World Cup on television. Ivan enters the pub wearing the colours of a rival team. George and Harry start to trade insults with Ivan. The insults become more and more personal. Eventually Ivan says: 'If you were not so drunk, I would deck you for saying that.' George responds: 'I am not too drunk to sort you out' and grabs hold of Ivan's shirt. Ivan hits George in the face with his clenched fist. This causes George to stagger backwards and collide with Harry. Harry responds by punching George and then Ivan.

John, another customer in the pub, sees what is happening, grapples Harry to the floor and sits on him, telling the publican to call for the police.

Meanwhile, two other customers, Ken and Liam, decide to settle their differences of opinion away from prying eyes, by having a fist fight in the car park.

Consider the criminal liability, if any, of George, Harry, Ivan, John, Ken and Liam.

(25 marks)

Question 4

Discuss the principles on which the criminal liability, if any, of Mick, Nathan, Peter will be considered in the following circumstances.

(You are not required to consider Stephen's liability, nor to consider specific terrorism or allied offences)

- (a) Mick and Nathan were due to fly to Monaco to watch the Monte Carlo Grand Prix. Due to an eruption of a volcano in Iceland, after they had arrived at the airport all flights from the UK were cancelled. Very angry, Mick said to Nathan: 'We should get some explosives and blow up this airport'. Nathan agreed.

(5 marks)

- (b) On their return home, Nathan thought no more of the conversation, but Mick searched the internet for advice on making explosives. Mick then made explosives which he sent by post to the airport. The package was intercepted before any harm could be done.

(10 marks)

- (c) Stephen and Peter are at a party given by Hanif. Another guest is observed stealing items and then running away. Stephen picks up a cricket bat and then he and Peter give chase to try and recover Hanif's possessions. They catch up with the suspect and tackle him to the ground. Stephen hits him repeatedly with the cricket bat, as a result of which the suspect dies. Stephen is convicted of murder.

(10 marks)

(Total: 25 marks)

End of Examination Paper

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