

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 2011 – 12, 21st Edition, Peter Glazebrook, Oxford University Press, August 2011.
- 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. Critically evaluate the position taken in English criminal law in respect of consent to:
 - a) The deliberate infliction of harm;
(17 marks)
 - and**
 - b) Participation in activities carrying a risk of serious harm.
(8 marks)

(Total: 25 marks)

2. The imposition of strict liability cannot be justified. The risk is too high that the blameless may be convicted.

Critically evaluate the above statement.
(25 marks)

3. Critically evaluate the extent to which omitting to act can lead to liability for a criminal offence.
(25 marks)

4. Judges seem unable to decide whether the defence of necessity exists as a form of duress or indeed whether it exists at all.

Critically evaluate the above statement.
(25 marks)

StudentBounty.com

SECTION B
(Answer at least one question from this section)

Question 1

Kemal and Robert attended a party where they had non alcoholic drinks. Kemal had recently been experiencing panic attacks, but he had not sought any medical treatment for this. At the party Kemal began to feel a panic attack begin and was given six valium tablets by a person who he did not know, in an attempt to calm him. Shortly after taking the tablets Kemal decided to leave the party and go home. Robert was concerned about Kemal so he went with him. On the way home Kemal's behaviour became very erratic. He picked up an empty bottle from the kerbside and he repeatedly hit Robert over the head with it. Robert was killed instantly.

Kemal was arrested and charged with murder and after caution Kemal said "I don't remember hitting him, he was my friend, I must have blacked out".

Consider Kemal's possible defences.

(25 marks)

Turn over

Question 2

Tanika and Jon had been in a relationship for 4 years. They had recently split up. Tanika was on a night out with her friends when she saw Jon with his friends. He was drunk and started an argument with her. She was upset so went home.

Later that evening Jon turned up at her flat shouting for her to let him in. She let him in and he accused her of having a man there. He grabbed her by the throat and pushed her against the wall, she screamed for help. Her neighbour, Fran, heard her and rushed to her aid. Fran phoned the police and told Jon that she had done so.

Jon let go of Tanika and lunged towards Fran. He punched Fran in the face and she fell to the ground. He made off before the police arrived.

He returned later on with a rag doused in petrol. He put the rag through Tanika's letterbox but decided not to light it.

Tanika suffered red marks to her neck and Fran suffered a hairline fracture to her cheekbone.

Consider Jon's criminal liability for any offences that may have been committed.

(25 marks)

Question 3

Discuss the criminal liability of Paul, Elka and Craig in the following scenarios.

- a) Mohammed owed Paul money; Paul went to Mohammed's flat to get the money. There was no answer when he knocked on the door, so he climbed through an open window. He found Mohammed's wallet and was about to leave with it when Mohammed returned home. Paul hit Mohammed several times leaving him unconscious and bleeding from a deep wound.

Paul ran off, taking Mohammed's wallet.

(13 marks)

- b) Elka had gone to the local supermarket with her daughter to buy a corkscrew. Her daughter fell over and started crying. Elka was concerned for her daughter and distractedly put the corkscrew in the pocket of her jacket whilst she comforted her. She forgot about the corkscrew and left the supermarket without paying for it.

When she discovered the corkscrew in her pocket, she decided not to go back to the store to pay for it.

(6 marks)

- c) Craig had been for a night out with his friends. They decided to go for a meal. The restaurant was very busy but they were able to get a seat. They ordered drinks and the waiter came to take their food orders. After placing their orders Craig asked the waiter how long the meals would take. The waiter told him it would be at least 30 minutes. Craig was annoyed by this and emptied his pint of lager into an ornamental fish tank.

The restaurant owner had to empty the tank, get it professionally cleaned and replace the fish which were poisoned, at a cost of £200.

(6 marks)

(Total: 25 marks)

Turn over

Question 4

Mary and Steve had been married for 12 years. When he was sober Steve was a loving husband and father to their two children aged eight and six.

When he had been drinking alcohol, he took pleasure in mentally and verbally abusing Mary and putting her down in front of others. On a few occasions he had physically assaulted her.

He recently came home from the pub drunk and immediately started verbally abusing her and calling her insulting names. He then fell asleep on the sofa.

Mary was so distressed she picked up a carving knife from the kitchen. As she stood over him with the knife poised he woke up. She was so afraid of what he might do that she brought the knife down into his chest and stabbed him a number of times until she realised he was dead.

She called the police and an ambulance immediately.

a) Discuss the criminal liability of Mary for Steve's death.

(8 marks)

b) Discuss any potential defence that may be available to her.

(17 marks)

(Total: 25 marks)

End of Examination Paper

© 2012 Institute of Legal Executives

BLANK PAGE

StudentBounty.com

BLANK PAGE

StudentBounty.com