



## THE CHARTERED 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 2012 – 13, 22<sup>nd</sup> Edition, Peter Glazebrook, Oxford University Press, August 2012.**
- 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 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 principle of coincidence of the *Actus Reus* and *Mens Rea* in criminal law and the ways in which the courts have sought to avoid the strict application of this principle.

**(25 marks)**

2. Involuntary manslaughter is an offence of ill defined boundaries covering the middle ground between murder and accidental death.

Critically evaluate the above statement.

**(25 marks)**

3. Critically evaluate how successful the courts have been in defining the concepts of:-

a) Intention; and

**(16 marks)**

b) Recklessness

**(9 marks)**

**(Total: 25 marks)**

4. The law is confusing and unsatisfactory in respect of defences affecting the *Mens Rea*.

Critically evaluate the above statement in relation to the defences of insanity, automatism and diminished responsibility (as amended by the Coroners and Justice Act 2009).

**(25 marks)**

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

**Question 1**

After a night out in town with their friends, Joanna and Sian decided to go for a meal in a late night restaurant, despite knowing that they did not have enough money to pay for the meal.

They chose seats near the door and ordered their meals. As time went on, the restaurant became very busy. Joanna and Sian ate their meals and, when they thought that they would not be noticed, they got up and walked out without paying.

On the way out, Joanna took a jacket, which was not hers, from the coat rack. Joanna put the jacket on and they walked a short distance from the restaurant and decided to check the pockets of the jacket because they needed money for a taxi home.

Inside a pocket they found a wallet containing a small amount of money and a bank debit card; there was also a bunch of keys in the pocket. Sian used the debit card to try and withdraw more money out of a nearby cashpoint machine. Sian was unable to withdraw any money as, after three failed attempts, the machine kept the card.

They found the owner's address in the wallet and decided to go to his house. Once there, they used his keys to enter the house and had a look to see if there was anything that they could steal to sell for money. They found a laptop and an Ipod and decided to leave the house at that point, with the items, in case the owner returned and caught them. Joanna kept the jacket.

Consider Joanna and Sian's criminal liability for their actions.

**(25 marks)**

**Turn over**

## Question 2

Discuss the criminal liability of Ben, Tom and Darius in the following scenarios together with any possible defences that could be available to them.

- (a) Ben was in the pub with his mates and had gone to the bar to buy some drinks. The pub was very busy. A woman knocked Ben's arm as she tried to pass him and he turned and said, "Watch out, I'll kick your head in if you do that again." As he made his way back to his friends, he pushed Rob, another customer, causing Rob to spill his drink.
- (7 marks)**
- (b) Clare was with her boyfriend Tom in a nightclub. Tom had gone to the toilet so Dean started speaking to Clare. Tom could see Dean whispering in Clare's ear as he made his way back to her. In a jealous rage, Tom smashed a bottle on the bar and lunged at Dean with the broken bottle, causing deep lacerations to Dean's face. These injuries needed cosmetic surgery and a number of internal and external stitches.
- (8 marks)**
- (c) Darius and Abdul had gone to watch a football match. A scuffle broke out alongside them. Darius saw that Abdul had been assaulted and he thought that the man who had assaulted Abdul was going to assault him again. Darius grabbed the man and punched him repeatedly to the stomach to stop him from attacking Abdul. The man suffered bruising to the ribs.

**(10 marks)**

**(Total: 25 marks)**

**Question 3**

Creighton and Marcus had been in a civil partnership for a number of years. Creighton discovered that Marcus was having an affair with Gary.

Creighton and Marcus had a blazing row and Creighton told Marcus to leave. Marcus stormed out of the house and Creighton proceeded to set fire to a brand new shirt and jeans that he had recently given Marcus for his birthday. Marcus returned to the house a short while later and saw his property smouldering in the garden so he decided to pour paint over the bonnet of Creighton's brand new car and cut the brake cable.

Marcus banged on the front door and told Creighton to 'open up' so that they could talk. Creighton looked out from an upstairs window and saw the damage Marcus had caused to his new car and was very angry.

He eventually let Marcus in and, after talking, he allowed Marcus to stay the night in the spare room. Creighton was very upset about his car and in the middle of the night he crept into the spare room and cut off Marcus's ponytail which he knew was his pride and joy.

Discuss the criminal liability of Marcus and Creighton.

**(25 marks)**

**Turn over**

**Question 4**

Imran, Kylie and Fred agreed to burgle John's house. Fred had been told by a reliable source that John would be away for a couple of days on a business trip and the house would be empty.

Later that night they went to the house. They checked the ground floor for ways to get in. Fred noticed that a small window was slightly open on a latch. Imran produced a very sharp, slim bladed knife from his bag and they all agreed to use the knife to try and prise open the window and gain entry.

Kylie stayed outside at the front of the house to act as a look out, while Imran and Fred started to have a look around. Unbeknown to them John had returned early and was asleep upstairs. John woke up when he heard noises from within the house.

As John came out of his bedroom Imran and Fred were on the landing. They all froze in surprise and then Fred ran towards the stairs. Imran tried to follow him but John was too quick and caught him. Fred went back to help Imran. Kylie heard the commotion and ran away from the house.

Imran, intending to seriously injure John, took the knife out of his bag and stabbed John, who fell to the floor. Imran and Fred then fled from the scene. John died of his injuries.

Discuss the criminal liability of Imran, Kylie and Fred.

**(25 marks)**

**End of Examination Paper**

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