



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 2013 – 14, 23rd Edition, Peter Glazebrook, Oxford University Press, August 2013.**
- 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 ballpoint 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. The legal principles relating to the chain of causation and a *novus actus interveniens* in result crimes, are unsatisfactory.

Critically evaluate the above statement.

(25 marks)

2. (a) The law in relation to entry in burglary is ambiguous and has led to inconsistent decisions.

Critically evaluate the above statement.

(10 marks)

- (b) Explain and critically evaluate the role of inchoate offences in criminal law.

(15 marks)

(Total: 25 marks)

3. Critically evaluate the extent to which the Fraud Act 2006 has improved the law in relation to fraud and deception offences.

(25 marks)

4. The distinction between duress of circumstances and necessity has become so blurred that they no longer exist as separate defences.

Critically evaluate the above statement.

(25 marks)

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

Question 1

Jayne and Angela are sisters. Whilst growing up Jayne would often instigate arguments and physical fights with Angela knowing that Angela would not respond as she was afraid of Jayne.

As adults, Jayne's continued mental and physical bullying of Angela resulted in Angela becoming increasingly withdrawn. Angela had recently been diagnosed by her doctor as suffering from severe depression but Jayne was unaware of this.

One evening, after going out for drinks after work, Jayne returned home to the flat that she shared with Angela. She taunted Angela about her miserable life and said that she had no friends.

Jayne prodded Angela in the shoulder whilst taunting her and then threw a magazine that Angela was reading across the room. Angela asked Jayne to leave her alone. Jayne told Angela that she was a "pathetic excuse for a woman".

Angela stood up, picked up a heavy crystal vase off the table and threw it at Jayne, aiming to hit her with it. The vase struck Jayne on the head, killing her instantly.

Consider Angela's criminal liability for the death of Jayne.

You are not required to consider any criminal offences that may have been committed by Jayne.

(25 marks)

Turn over

Question 2

Discuss the criminal liability of Helen, Chun-Tao and Karl for theft following individual scenarios:

- (a) The day after she had been paid, Helen checked her bank account and could see that she had been overpaid by £50. She was going to inform her line manager about the mistake and offer to pay it back, but then decided that she deserved a bonus so she kept the money and used it to treat herself to a new dress.

(8 marks)

- (b) On her way home from work Chun-Tao called into the local convenience store to buy some chocolate. She used the self-service till. Alongside the till was a display stand containing magazines. Chun-Tao assumed the magazines were free so she took one. The magazine did, in fact, cost £2.99.

Chun-Tao then decided to withdraw money from the cashpoint outside the store. Before putting her card into the machine, she noticed that someone had left £30 in the cashpoint. Chun-Tao checked to see if anyone was looking and then put the £30 in her purse and went home.

(9 marks)

- (c) Karl has numerous debts. He has been visiting a vulnerable elderly aunt, Betty, who is very frail, in the hope that she will leave him something in her will. He has told her that he has been made redundant so that she will feel sorry for him. This is a lie.

One day, when Karl returned to Betty's home after doing the food shopping for her, Betty gave him £1,000 in cash to thank him for giving up so much of his time to look after her. Karl suspected that Betty did not realise how much money she had given him, but he kept it anyway.

(8 marks)

(Total: 25 marks)

Question 3

Calvin arrived at work one day to find a redundancy letter on his desk. He was extremely upset that he was being made redundant so he went to speak to his line manager, Levi. Levi told Calvin to go for a walk to calm down and then they would then discuss the situation. Calvin stormed out of the building and went to a nearby pub to have a drink as he thought it would calm him down.

After consuming several pints of strong lager, Calvin returned to work to confront Levi. Levi tried to reason with Calvin, but Calvin felt so aggrieved he punched Levi in the face. Levi lost a tooth and suffered a black eye and a swollen cheek.

After punching Levi, Calvin left the building for the day. He saw a bike that was propped against a bollard, but not chained to the bollard, so he took it to ride home. He never returned it.

The next morning Calvin had a splitting headache. His wife gave him two tablets that she believed to be painkillers. They were, in fact, anti-depressant tablets that had been prescribed for her.

Calvin went to work and, under the influence of the tablets, lit a fire in the waste paper bin in Levi's office. The fire burnt itself out and only caused minor damage to the bin and surrounding carpet.

Consider Calvin's criminal liability together with any defences that may be available to him.

(25 marks)

Turn over

Question 4

Rachel had gone with her friend Sanjeet to watch a football match. The stadium was packed with spectators as it was a cup match. There was a lot of pushing and shoving on the terraces as fans cheered for their team. Duncan was standing next to Rachel and he was jumping, shouting and singing with the other fans.

Sanjeet went to the toilet. As he was returning from the toilet the home team scored a goal. Duncan jumped up and punched his hand into the air. Unfortunately, in doing so he punched Rachel in the eye causing a burst blood vessel.

Sanjeet saw Duncan punch Rachel. He concluded that Duncan had attacked Rachel so he punched Duncan hard in the face, causing him to lose his footing and fall to the floor hitting his head on a step. Duncan was knocked unconscious.

Someone called security. Whilst the security guards were talking to Rachel and Sanjeet, Duncan regained consciousness. He was very concussed and felt dazed and sick so he picked up a rucksack and left the ground to go home. The rucksack did not belong to Duncan.

As Duncan walked home his head began to clear and he felt much better so he called into the pub for a drink. After four pints of beer and a couple of whiskeys he decided to go home. When he arrived home, Duncan realised that he had lost his keys. His wife was at work, so he broke a window in the conservatory to gain access to his house only to find that he had broken into his neighbour's house, who was also at work.

When he realised his mistake Duncan returned to his own house where he let himself in using a spare key that he remembered was hidden outside and he went to bed.

Duncan has been charged with ABH on Rachel, theft of the rucksack and criminal damage to his neighbour's conservatory. Sanjeet has been charged with Grievous Bodily Harm contrary to s20 of the Offences Against the Person Act 1861.

Consider any possible defences that may be available to Duncan and Sanjeet.

(25 marks)

End of Examination Paper

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