

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

B.A.

Laws C12: Criminal Law

COURSE CODE : **LAWSC012**

UNIT VALUE : **1.00**

DATE : **10-MAY-02**

TIME : **10.00**

TIME ALLOWED : **3 hours 15 minutes**

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TURN OVER

CRIMINAL LAW

Answer **FOUR** questions including at least one question from **PART A** and at least one question from **PART B**.

PART A

1. "The scope and rationale of a defence of necessity in criminal law has always been in doubt. The decision in *Re A* (the conjoined twins case) has done little to resolve these doubts."

Discuss.

2. To what extent is the law relating to mental incapacity in criminal law in need of reform?
3. "The doctrine of joint enterprise is a blot on the legal landscape. It is unprincipled, over-complex, and manages to be too hard on some defendants and too lenient on others."

Discuss.

4. "Recent decisions of the courts suggest that strict liability is 'in retreat' as the courts insist on proof of knowledge of surrounding circumstances where previously they have not. However, this does not detract from the need for strict liability in appropriate offences."

Discuss.

PART B

5. Able broke into Ben's flat at night. He thought it was unoccupied. In fact, Ben was asleep in bed. Able went through the flat to see if there was anything worth stealing. Able disturbed Ben and as a result Ben, who was very frightened, pulled out his pistol, intending to frighten Able. Able said, "Don't shoot, I am out of here!" and bent down to pick up his bag of tools. The pistol went off. The bullet missed Able and instead went through the bedroom wall and injured Clark, who occupied the adjacent flat. At the time Clark was in bed with his wife, Doreen. Doreen was very shocked by this event and suffered severe depression as a result.

Advise Able and Ben of their criminal liability - ignoring firearm offences. What difference, if any, would it make to your advice if Clark had died from the bullet wound after inappropriate medical treatment at a nearby hospital?

TURN OVER

6. Dan is a gardener. He has a quick temper, which results in part from brain damage sustained in a motoring accident. Also, he has several convictions for indecent assaults on young girls. He is working in a park when two young girls stop to ask him the way. Ed and Fred, who are walking in the park, see Dan talking to the girls.

Aware of Dan's criminal history, Ed runs over to Dan shouting, "Leave them alone, you filthy old pervert!" and pushes Dan away. Dan falls over and is momentarily concussed and confused. He gets up and, incensed at Ed's conduct, aims a blow at Ed with his spade. Ed ducks and the spade hits Fred, who is standing just behind Ed. Fred collapses from the force of the blow. At the hospital he is told that he suffered internal injuries and needs an immediate blood transfusion prior to emergency surgery. Fred, who has recently been diagnosed as suffering from a terminal illness, refuses the transfusion, saying, "Death will be less painful this way." He dies shortly afterwards from his untreated injuries.

Advise the parties of their criminal liability.

7. Glyn was taking part in a school archery competition. The supervising teacher, Hugh, left Glyn and the other pupils to take one of their number, who had fallen and injured himself, to the school sick bay.

Glyn persuaded Ivor, a fellow pupil, to stand in front of a tree with Glyn's apple on his head at which Glyn was going to aim some arrows. Glyn intended to demonstrate his prowess to the rest of his class. Glyn and Ivor were confident about Glyn's abilities with a bow and arrow. Both thought that there was no risk of Ivor being hit by an arrow. Glyn aimed an arrow in Ivor's direction, aiming at the apple. However, the arrow missed the apple and, instead, broke Ivor's spectacles.

Advise Glyn and Hugh of their criminal liability. What difference, if any, would it make to your advice if glass from the spectacles had gone into Ivor's eyes and killed him?

8. Jane and Ken, two university students, want to attend a ball in the students union but cannot afford tickets. At Ken's suggestion, Jane writes to her rich uncle for money, telling him, falsely, that the university is threatening to expel her for non-payment of fees. In fact, her uncle had died before Jane posted the letter. Undaunted, Ken manages to gain entry by telling the doormen that he is a member of the band. He then opens a window to let Jane inside. During the ball, Jane finds on the dance-floor a purse containing a £10 note. She uses it to buy two glasses of wine for £5. She receives from the busy barman change of £15, which Jane keeps. Meanwhile, Ken has made his way to the manager's office. He programmes the manager's computer to issue him a cheque for £100. The following day Ken pays the cheque into his bank account, from which he subsequently draws out £100 in cash.

Advise Jane and Ken of their criminal liability.

CONTINUED

9. When Lisa reaches her eighteenth birthday her rich uncle presents her with a car. Lisa is a cannabis user and knows that her uncle would not give her the car if he were aware of her habit. Lisa works in a nursing home. She befriends Maggie, an elderly resident, whom Lisa takes out on occasional trips to the shops. She persuades Maggie to give her £500 a week by telling Maggie that running her car is very expensive. On one of their shopping trips Lisa asks Maggie to pay for a designer dress that Lisa wants. She suggests that Maggie should use her credit card despite the fact that the issuing bank has just written to Maggie cancelling her credit facility in view of the bank's concern about Maggie's confused state of mind. Lisa tells Maggie to ignore the letter. Maggie uses the card to purchase the dress. The bank honours the transaction and debits Maggie's account by the price of the dress.

Lisa has parked in a car park for which she has to pay a charge to enable her ticket to operate the exit barrier. She purports to pay the charge by inserting into the ticket machine Utopian coins which are exactly the size and shape as British coins, and drives away.

Advise Lisa of her criminal liability.

END OF PAPER