



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit - 3 Criminal Law

Question paper

June 2023

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – **Blackstone’s Statutes on Criminal Law 32nd edition, Matthew Dyson, Oxford University Press, 2022.**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

(Answer at least one question from this section)

1. In light of recent case law, critically evaluate the development of the law in respect of a mistaken belief in the need for self-defence.

(25 marks)

2. Critically evaluate the grounds on which liability for an omission will be imposed in criminal law.

(25 marks)

3. "The Offences Against the Person Act 1861 is unsatisfactory and in need of urgent reform."

Critically assess the above statement.

(25 marks)

4. (a) Critically assess the arguments for and against imposing strict liability on an individual, providing a reasoned conclusion.

(15 marks)

- (b) Critically evaluate the impact of *R v G and R (2003)* in respect of the concept of recklessness.

(10 marks)

(Total 25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Rizwan and Jeromy are in a happy long-term relationship and live in a flat owned by Rizwan's parents. Jeromy has been suffering from depression and anxiety for many years and has been taking medication consistently for his condition. He has also recently started therapy to address the issue.

One evening, after a long day at work, Jeromy arrived home and yet again none of the housework had been done. This angered Jeromy and he decided to confront Rizwan about the imbalance in their relationship. During the heated argument, Rizwan shouted at Jeromy saying "at least Mark treats me well!", seemingly confessing to an affair. Jeromy picked up the nearest object, a large heavy ornament, and hit Rizwan hard over the head. Rizwan fell to the floor and died instantly.

In anger, Jeromy picked up the ornament and threw it towards the window, which shattered on impact. Jeromy was unaware at the time that Rizwan had a head injury from an accident when he was younger.

Advise Jeromy of his potential criminal liability along with any partial defences that may be available to him.

(25 marks)

Question 2

Alex was a qualified doctor working in a hospital in Kempston. After a long shift, he had a break in the rest room before another six-hour shift. Roberta, the on-shift nurse, quickly rushed into the rest room and joined Alex. She told Alex that there was an emergency patient, Ilias, on the way to the hospital, who had been involved in a hit and run incident. Alex took a bite of his sandwich and quickly headed out to the emergency department to assist.

Once Ilias was stabilised, Alex decided to have another break as he was suffering from a sore head. Once finished, he completed his routine checks, and failed to notice that the breathing tube assisting Ilias had become detached.

Later that night, Ilias died from the lack of oxygen. Once home, Alex realised he forgot to take his prescribed medication for diabetes whilst he was on shift.

Roberta finished her shift at 11pm and, knowing she needed taxi money to get home, decided to take the money from the charity box kept in the rest room.

Advise Alex and Roberta of their potential criminal liability together with any defences that may be available to them.

(25 marks)

Turn over

Question 3

Sylvie was struggling for money to pay for childcare. Her friend, Gabrielle, had a very successful online business selling jewellery. Sylvie was proud of her friend but one night, when Sylvie had consumed four glasses of wine, she decided she had the courage to break into Gabrielle's house to steal some of her jewellery to sell it online and keep the money for childcare.

Knowing that Gabrielle was out with friends, Sylvie walked over to her house, opened a window of a downstairs room that was slightly open and climbed in. She looked around the house but could not find the jewellery. Frustrated, Sylvie left the house crying, leaving with nothing. As she was leaving, Gabrielle returned home and was shocked to see that Sylvie had broken in. She chased Sylvie down the road, throwing one of her trainers at Sylvie which hit her lightly on the back, leaving no injury. Sylvie outran Gabrielle and Gabrielle returned home.

Advise Sylvie and Gabrielle of their potential criminal liability, including any defences which might be available to them.

(25 marks)

Question 4

- (a) Lin lives at home alone in Kempston. She works full time as a bartender and is studying to be a nurse. Up until recently, her best friend was Celine, who would visit her a few times a week. Last week, Celine told Lin that she had feelings for her, but Lin responded that she did not feel the same. Celine's attitude changed once Lin told her this and she became obsessive, turning up at Lin's house unannounced, shouting through her letter box 'I'm coming to get you!' and spreading rumours about her around the neighbourhood. Due to this, Lin now struggles with severe depression and anxiety, has therapy once per week and is scared to leave her house. She is also currently failing her nursing course.

Advise Celine of her potential criminal liability.

[NOTE: Do not discuss any potential defences.]

(10 marks)

- (b) On a busy Friday night, James decided to go to the pub to meet some friends. James does not normally drink alcohol but decided to have four pints of lager. On his way home, James saw Olu, an old enemy from school. When they passed each other, Olu softly pushed past James to which James instinctively reacted with a hard punch to the back of Olu's head. Olu fell to the ground and hit his head off the pavement, causing a large cut. James ran off instantly.

A member of the public who was passing by called an ambulance, which arrived within minutes. Olu was taken to hospital where he was given insufficient treatment, making his condition worse. He was left with a permanent head injury.

Advise James of his potential criminal liability.

[NOTE: Do not discuss any possible criminal liability which may be imposed on the hospital staff.]

(15 marks)

(Total 25 marks)

End of the examination