



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

January 2024

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.
- A calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Criminal Law 33rd edition, Matthew Dyson, Oxford University Press, 2023.***
- 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. 'The meaning and scope of the defence of insanity are in urgent need of legislative overhaul.'

Critically evaluate the above statement.

(25 marks)

2. Critically assess the partial defence of loss of control under the Coroners and Justice Act 2009.

(25 marks)

3. Critically analyse whether the courts have been consistent in their approach to the *actus reus* of an attempt.

(25 marks)

4. (a) Critically evaluate the position taken in criminal law in respect of consent to the deliberate infliction of harm.

(15 marks)

- (b) Critically evaluate whether the law on *novus actus interveniens* in result crimes is satisfactory.

(10 marks)

(Total: 25 marks)

SECTION B

Answer at least one question from this section.

Question 1

One Friday night, Fernando, aged 21, and Seb, aged 23, decided to go to the local arcade for a game of bowling and to play on the slot machines. After having some food, they pay for their game of bowling, collect their shoes and set up their game. Halfway through the game, Seb notices that there is a couple next to them, Bob and Cassie, who are arguing about their game.

Throughout the night, the arguing increases. Towards the end of their game, Seb notices Bob punch Cassie hard in the face. Seb rushes over to the couple in order to defend Cassie from Bob as he tries to punch her again. As Seb intervenes, he punches Bob in the face, which makes Bob fall to the ground and hit his head on the floor, causing severe concussion.

Bob is rushed to hospital, treated by a doctor and kept in hospital overnight. A few days later, Bob dies from his injuries. In Bob's hospital notes, it is noted that the doctor, Paula, gave him incorrect treatment, which made Bob's condition worse but was not enough to kill him.

Advise Seb and Paula of their potential criminal liability, along with any defences that may be available to them.

(25 marks)

Question 2

Annie and Karina are in a happy relationship that has lasted for five years without any issues. They live together in Kempston, in an apartment on the ground floor. Recently, Karina has been receiving texts from her ex-girlfriend, Damia, with whom she was in a short relationship before she met Annie. The texts that Karina has been receiving from Damia are making her feel very uncomfortable and she decides to tell Annie about the issue.

One night after work, Karina and Annie are in their living room watching television when they notice Damia peeking into their window from outside. Karina goes to confront Damia but by the time she reaches the front door, Damia has run away.

Weeks later, the texts have stopped and there has been no communication from Damia but Annie is still not happy that this happened to them. Annie suggests to Karina that they try to 'scare' Damia so that she leaves them alone. They decide to go to her house late one evening and threaten her. Annie and Karina arrive at Damia's house, go up to her door and then shout threats through her letterbox. When Damia opens the door to confront them, Annie pulls out a knife and stabs Damia, killing her instantly. Karina was unaware that Annie had brought a knife. Both Annie and Karina then run away from the house.

Advise Annie and Karina of their potential criminal liability.

[Do not discuss any potential defences.]

(25 marks)

Turn over

Question 3

Lewis and Olivier are good friends who both work in a factory that makes computer parts. They occasionally have lunch with another co-worker, Wakas, but do not consider him to be a good friend.

One lunchtime, Lewis and Olivier decide that they will enter the factory later that evening when it is closed and steal some of the computer parts to sell for money. At lunch that day, they tell Wakas of their plan to steal the parts and tell him that if he does not help them, they will hurt him the next time they see him outside of work. Wakas meets Lewis and Olivier later that night at 10 pm when the factory is closed and Lewis uses Wakas' key to enter the building. Wakas and Olivier then take as many items as they can while Lewis takes money from the office. The three of them then leave the factory with over £2,000 worth of goods and the money.

Advise Wakas, Lewis and Olivier of their potential criminal liability, along with any defences that may be available to them.

(25 marks)

Question 4

Marie works at a local law firm in Kempston as a paralegal. She is relatively new to the job and is enjoying it. She takes payment from clients using card payments but sometimes clients prefer to pay in cash. There is a safe in her manager's office where they store the cash payments and then once a week Marie takes the cash to the bank.

One morning, Marie's boss, Edward, asks her to go to the bank with the cash from the safe. Edward also says that Marie can 'get herself a coffee and lunch' with some of the money before she takes it to the bank. Marie spends £15 on coffee and lunch but then decides to take an extra £60 to help pay her bills.

(a) Advise Marie of her potential criminal liability.

(10 marks)

Nick is 19 years old and lives with his grandmother, Vera. Nick has not lived with his parents since he was very young; his grandmother is his legal guardian. Since Nick was 11 years old, Vera has been emotionally abusive to him, regularly calling him names and telling him lies about his family and friends. This has caused Nick to feel very uncomfortable in the house and because of this he rarely leaves his room or goes outside. Nick has not spoken to a professional about the emotional abuse but has explained his situation to his closest friend, Harun.

One evening, Vera is drinking with her friends downstairs while Nick plays a game in his room. Nick can hear her laughing and joking with her friends about Nick and his parents. This angers Nick and he decides to go downstairs and confront her. He cries and asks Vera why she hates him so much. Vera responds by laughing further and taunting Nick for crying. Nick reacts to this by picking up a glass from the table and smashing it over Vera's head. Vera dies instantly.

(b) Advise Nick of his potential criminal liability, along with any partial defences that may be available to him.

(15 marks)

End of the examination

© 2024 The Chartered Institute of Legal Executives