



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 2025

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 basic 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, 34th edition, Matthew Dyson, Oxford University Press, 2024.***
- 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. Critically evaluate the importance of the role of *mens rea* when establishing criminal liability in homicide offences.

(25 marks)

2. 'Necessity and duress of circumstances are one and the same thing and should not be treated as individual defences.'

Critically assess the above statement.

(25 marks)

3. Critically evaluate:
 - (a) whether the defence of insanity is outdated and in need of reform;

(13 marks)
 - (b) whether the defence of voluntary intoxication is fit for purpose in its current form.

(12 marks)

(Total: 25 marks)

4. Critically analyse the offence of burglary under s9(1)(a) and s9(1)(b) of the Theft Act 1968.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Harry asked Paula, an electrician, to rewire his four-bedroomed house. The day after, while Paula was working in the kitchen, Harry left the house to go and pick up his two children. Once Paula realised that Harry had left, she took the opportunity to see whether there was anything worth stealing from Harry's house. Paula opened the doors of the wardrobe and found £100 in cash and a jewellery box containing several pieces of expensive looking jewellery. Paula took the cash and the jewellery box, put them in her car that was parked outside and returned to finish the job she was being paid to do.

When Harry arrived home, he went upstairs to get changed, realised that his wardrobe door was open and went to question Paula as to why. Paula was shocked that she had been caught and ran out of the house, pushing Harry. Harry fell towards the stairs and hit his head on the banister, which caused a severe bruise to his face.

Paula owed £1000 to Soni, a known violent man, who had threatened her the day before the work was due to start on Harry's house. Soni knew Paula was scheduled to do some work on Harry's house and had texted Paula saying, 'Remember the £1000 you owe me; I want this by tomorrow or you will regret it.'

Advise Paula on her possible criminal liability against Harry and any defences that may be available to her.

[DO NOT discuss the possible criminal liability of Soni.]

(25 marks)

Question 2

Aaron, a 21-year-old student, decided to go out drinking with his fellow student, Ollie. They went to their local pub in Kempston and started playing pool. As Aaron was driving home the next day, he ordered an orange juice rather than an alcoholic drink. The pub called last orders at 10.30 pm and Ollie, who had consumed numerous alcoholic drinks, went to the bar and ordered another drink for himself and an orange juice for Aaron. As a joke and without Aaron's knowledge, Ollie thought it would be funny to spike Aaron's drink with a drug that causes hallucinations.

Later that night, after the pub had closed at 11:30 pm, Aaron and Ollie were walking towards the taxi they had ordered when Aaron thought he saw Juan, who was on their university course, across the road with his arm around Aaron's girlfriend, Katerina. Aaron got angry, ran across the road, pushed Juan to the ground and kicked him three times, causing numerous injuries to Juan that required medical attention.

In fact, Juan had his arm around his girlfriend, Kira, who looked similar to Katarina.

Advise Aaron on his possible criminal liability against Juan and any defences that may be available to him.

[DO NOT discuss the possible criminal liability of Ollie.]

(25 marks)

Question 3(a)

Dougie and Bashma were happily married and lived with their two children in a quiet area of Kempston. Bashma worked away three nights a week while Dougie took care of their children and their home. Bashma was aware of Dougie's previous marriage that had ended because of his infidelity.

One evening, Bashma returned from work early to surprise Dougie. When Bashma arrived home, she found Dougie in a passionate embrace with Issac, their next-door neighbour. Bashma immediately started crying. When Dougie noticed that Bashma had returned home, he laughed at her for being so upset by his actions. This angered Bashma, who rushed over to Dougie and punched him so hard in the face three times that he fell over and hit his head on the ground, dying instantly.

Advise Bashma on her possible criminal liability against Dougie and any defences that may be available to her.

(14 marks)

Question 3(b)

Yara works in construction as a labourer for a company that builds houses. Last Tuesday, Yara's boss, Walt, was not happy with some work that Yara had completed and called her into the office to discuss this. After a heated discussion, Yara left the office, infuriated that she had been told off for the work that she believed she had completed to an acceptable standard.

Later that same evening, once everyone, including Walt, had gone home, Yara picked up the heaviest object she could find, a brick, and threw it towards Walt's office. The brick hit the window and smashed it into pieces. The brick also hit Walt's computer, breaking the keyboard.

Advise Yara on her possible criminal liability.

(11 marks)

(Total: 25 marks)

Question 4

Carrie is a student at Kempston University. She has been struggling with paying her bills and has recently been released from her part-time job as a bartender. Carrie lives in a student house with Hamdeep, who has also been struggling with his finances, including paying his part of the rent for their student house.

One evening, while watching television in their house, Carrie joked about ways in which they could make some extra money. Carrie suggested that they invent a good cause raising money for the issue of homelessness and that they go into Kempston town centre with money boxes to collect money for their 'charity.' Hamdeep responded by saying, "We could definitely make loads of money if we are collecting for a charity, no-one will know we are lying!" and laughed.

The next day, Carrie bought money boxes and made handouts explaining the 'good cause' they are collecting for. She showed Hamdeep, who laughed and said, "Yes, let's do it, why not?"

Both Carrie and Hamdeep then went into Kempston town centre and raised over £200 by telling members of the public that they were raising money for a homelessness awareness organisation. Both then used this money to pay their rent.

Advise Carrie and Hamdeep on their possible criminal liability for fraud, theft and conspiracy offences.

(25 marks)

End of the examination

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