



CHIEF EXAMINER REPORT

JUNE 2026

LEVEL 6 UNIT 3 – CRIMINAL LAW

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the June 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

As is the case in previous years, Section A questions are a less favourable choice for candidates, and normally done to a lesser standard than Section B questions, gaining less marks. Questions 2 and 4 were done to a relatively good standard, and for the students who chose question 3, this was also done well.

Section B scenarios are always more preferred than section A. Students seem to grasp the concept of answering scenario questions well and are good at breaking down the question, discussing all possibilities. Question 2 was particularly popular, as most questions involving murder are, and was done to a very good standard. Questions 1 and 4 were less popular but were done to a good standard.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1	25 marks
Data too limited for valid feedback.	
Suggested Points for Response:	
• Description and explanation of the law on attempt under s1 Criminal Attempts Act 1981. • Discussion of the actus reus and mens rea of an attempt – an act that is merely preparatory to the commission of an offence, with intent to commit the offence. • Discussion of conditional intention, knowledge of the circumstances and impossibility in relation to attempts. • Discussion of relevant case law such as Shivpuri (1986), Jones (1990) and Geddes (1996). • Analysis of the statement including arguments for and against the statement in the question. • A concluding comment which approaches the statement and the question. • Better answers will show application of case law correctly to support their reasoning.	

Question 2	25 marks
Candidates were able to describe and explain a duty of care in criminal law, with most discussing omissions, negligence and gross negligence manslaughter. Weaker responses picked one of the three areas and did not discuss all applicable duty of care situations.	
Suggested Points for Response:	
• Description and explanation of areas of criminal law where an omission is the basis of the crime, such as gross negligence manslaughter. • Discussion of omissions including a definition, the different types (relationship, employment, voluntary duty, a duty brought about by actions) and how these different types relate to a duty of care, along with relevant case law such as Pittwood (1902), Miller (1983), Evans (2009). • Discussion of potentially unfair decisions with reference to relevant case law including Stone and Dobinson (1977). • Discussion of situations where liability will be imposed where D fails to act. • A concluding comment on the effectiveness of law and the relevance of the decided cases. • Better answers will show application of case law correctly to support their reasoning.	

Question 3	25 marks
Data too limited for valid feedback.	
Suggested Points for Response:	
• Description and explanation of the defence of intoxication. • Discussion of the defence, including voluntary and involuntary intoxication, and the difference between basic and specific intent. • Discussion of relevant case law including DPP v Majewski (1977), Heard (2007), and Kingston (1995). • Analysis of the statement including arguments for and against the statement in the question. • A concluding comment which approaches the statement and the question. • Better answers will show application of case law correctly to support their reasoning. •	

Question 4a	10 marks
Most responses were able to describe and explain recklessness as a type of mens rea and discuss the main part of the question which required a focus on recklessness, with a focus on the cases of Cunningham, Nedrick and R v G and R. Overall, candidates did very well on this question.	
Suggested Points for Response:	
• Description and explanation of the law on recklessness and the legal rules surrounding this principle. • Discussion of relevant case law including Cunningham (1957), Caldwell (1982), R v G and another (2003). • Analysis of the statement including arguments for and against the statement in the question. • A concluding comment which approaches the statement and the question. • Better answers will show application of case law correctly to support their reasoning.	

Question 4b	15 marks
The analytical element of the question was attempted but more was needed. Some candidates were able to provide basic advantages and disadvantages of this area of law. The use of case law and the evolution of case law in this area was done well.	
Suggested Points for Response:	
• Identification of relevant offences • Description and explanation of the concept of dishonesty in criminal law • The answer should show good discussion of relevant case law, including Ghosh (1982), Ivey (2017) and Barton and Booth (2020) • The answer should also show a discussion of s2 TA 1968 statutory exceptions and what is not classed as dishonest. • Analysis of the statement including arguments for and against the statement in the question. • A concluding comment which approaches the statement and the question. • Better answers will show application of case law correctly to support their reasoning •	

Section B

Question 1	25 marks
Candidates were able to describe and explain the law on assault, battery, ABH and GBH with applicable case law, alongside applying these principles to the scenario. An area of improvement in this question is delving deeper into the issue of self - defence as this was missed out by a few candidates.	
Suggested Points for Response:	
<u>Tom</u> • Identification and discussion of s39 common assault and battery. • Explanation of the actus reus and mens rea of assault – intention or recklessness to make the victim apprehend immediate unlawful violence. • Explanation of the actus reus and mens rea of battery – the intentional or reckless application of unlawful force to another person. • Application to scenario – assault – ‘Tom starts to shout at Wes’ could cause Wes to apprehend immediate unlawful violence. Battery - ‘Tom pushes past Alice’ showing application of unlawful force to another. Discussion of intention/recklessness needed. • Discussion and application of the defence of consent – possible discussion of implied consent due to being in a bar that is likely to be busy. Discussion and application of the case of Wilcock and the concept of consent to ‘ordinary jostlings of everyday life’. • Discussion of the immediacy of the threat in relation to assault but not guilty of battery due to the defence of consent. <u>Wes</u> • Identification and discussion of s39 common assault and battery – full explanation not needed if explained in relation to Tom. • Application to scenario – battery - ‘Wes pushes Tom hard from behind’ showing application of unlawful force to another. Discussion of intention/recklessness needed. Assault - ‘watch where you are going’ - discussion needed of whether this led Tom to apprehend immediate unlawful violence. • Identification and discussion of defence of self – defence under s76 CJIA 2008. • Explanation and application of the elements of self-defence of another. • Application to scenario – likely self – defence will be successful due to Wes defending Alice <u>Yara</u> • Identification and discussion of s20 GBH OAPA 1861 • Explanation and application of the elements of s20 – actus reus satisfied – broken nose (Eisenhower, DPP v Smith) mens rea satisfied – Yara could foresee harm (Savage) • Possible discussion of s18 GBH due to MR and s47 ABH due to the severity of the injury. Credit discussion of either or all of the offences of s47 ABH, s20 GBH and s18 GBH. • Identification and discussion of s39 common assault and battery – full explanation not needed if explained in relation to Tom. • Application to scenario – Yara shouts at Mitchell, calling him a stupid idiot. Yara tries to free herself – discussion of whether this constitutes a battery. Discussion of whether this would cause Mitchell to apprehend immediate unlawful violence needed. • Identification and discussion of defence of self – defence under s76 CJIA 2008. • Explanation and application of the elements of self-defence of another, mistaken belief in self-defence and proportionality. • Application to scenario – possible self – defence will be successful due to Yara defending another but credit a well – reasoned conclusion	

Question 2	25 marks
Most candidates missed out the element of aggravated criminal damage and self - defence altogether, which would have enhanced their answer overall.	
Suggested Points for Response:	
<u>Hallie</u> <u>Murder</u> • Identification and discussion of murder • Explanation of the actus reus of murder • Explanation of the mens rea of murder • Application of scenario - actus reus is satisfied – no issues with causation. Mens rea – possible intent to cause GBH as she ‘decides to confront Fatima’ which could lead to violence. • Candidates may discuss self-defence of another with regards to the ‘unlawful’ element, but this should be discounted due to reasonableness. • Candidate may also discuss Unlawful Act Manslaughter due to the unlawful act (punches) that has led to death, and this should be credited where appropriate. <u>Loss of Control</u> • Identification and discussion of the defence of loss of control under s54 Coroners and Justice Act 2009 • Explanation of the elements of the defence – loss of control, qualifying trigger, objective test • Application to scenario – there is a clear loss of control ‘this angers Hallie’ - the qualifying trigger is things said or done (violence towards her brother). The objective test of sex and age needs to be discussed in detail. <u>Criminal Damage</u> • Identification and discussion of s1 criminal damage under Criminal Damage Act 1971 • Explanation of the actus reus of criminal damage – destroy/damage, property, belonging to another • Explanation of the mens rea of criminal damage – intention or recklessness to the act • Application to scenario – Hallie has damaged (smashed) the property (window) belonging to another (Fatima) with intent. • Likely to be found guilty of criminal damage. • Credit discussion of aggravated criminal damage due to the children being inside the house.	

Question 3	25 marks
Data too limited for valid feedback.	
Suggested Points for Response:	
Taylor <u>Fraud by abuse of position</u> - Identification and discussion of the offence of fraud by abuse of position under section 4 Fraud Act 2006 - Explanation of the actus reus and mens rea of fraud by abuse of position - The defendant occupies a position in which he was expected to safeguard, or not to act against, the financial interests of another person, abuses that position (AR) dishonestly and intends by that abuse to make a gain/cause a loss (MR) - Application to scenario – Taylor occupies a position in which he is expected to safeguard/not to act against the financial interests of another person (he is a carer by employment) and he has abused that position (by using Lana’s bank card without her permission) intending to make a gain (for himself – clothes) and cause a loss (to Lana – monetary). He has completed the AR dishonestly as per Ivey. <u>Fraud by false representation</u> - Identification and discussion of the offence of fraud by representation under section 2 Fraud Act 2006 - Explanation of the actus reus and mens rea of fraud by false representation - The defendant dishonestly makes a false representation and intends to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss. - Application to scenario – the false representation is made to a machine as it is made online and the false representation is that Taylor has authority to use Lana’s card to make the purchase. He intends to gain/cause loss and is dishonest. <u>Theft/Attempted theft</u> - Identification and discussion of the offence of theft under section 1 Theft Act 1968 - Explanation of the actus reus and mens rea of theft – dishonest (s2) appropriation (s3) of property (s4) belonging to another (s5) with intention to permanently deprive (s6) - Identification and discussion of the offence of an attempt under section 1 Criminal Attempts Act 1981 - Explanation of the actus reus and mens rea of attempt - If, with intent to commit an offence to which this section applies, (MR) a person does an act which is more than merely preparatory to the commission of the offence, (AR) he is guilty of attempting to commit the offence. - Application to scenario – Taylor has the intention to commit an offence (theft) and does an act which is more than merely preparatory to the commission of the offence (he puts items in his basket, uses Lana’s credit card and attempts to purchase the items – it is immaterial that the transaction did not go through). Regarding theft, the AR of theft is partially satisfied, which requires discussion of the actual appropriation of the property (this could be when Taylor enters the card details on the website or, alternatively, if Lana’s bank is affected, which it is not). Taylor has attempted to take money that belongs to someone else) and the MR is satisfied (he was dishonest in his actions and had the intention to permanently deprive).	

Question 4a	18 marks
This question was done well by the candidates who attempted it, with most able to identify, describe, explain and apply burglary and theft, however the element of duress was not completed to a similar standard or left out altogether. Responses needed much more discussion for an 18 mark question.	
Suggested Points for Response:	
<u>Patrick</u> • <u>Burglary</u> • Identification and discussion of burglary under s9 Theft Act 1968 • Explanation of the elements of burglary - entry, building, trespasser, intention element and difference between s9(1)(a) and s9(1)(b) • Application to scenario - discussion of s9(1)(a) and s9(1)(b) needed, alongside entry ('breaks into Ewan's house'), building ('house'), trespasser (Patrick did not have permission to be there). • Credit discussion of theft of the USB – likely to be guilty of s1 Theft and discussion of the information likely to be on the USB as per Oxford v Moss. • Reasonable conclusion • <u>Duress</u> • Identification and discussion of duress of threats • Explanation of the elements of duress – no avenue of escape, self-induced, to whom the threat is aimed, characteristics of D, the type of threat. • Application to scenario – discussion of whether the threat is of 'serious' injury, threat is directed at Ds family, discussion of D joining a gang voluntarily which engages in criminal activity but was a teenager at school, discussion of whether there was an avenue of escape.	

Question 4b	7 marks
This question was done to a good standard by candidates, with most able to identify, describe and explain the law on GNM to a good standard.	
Suggested Points for Response:	
<u>Carole</u> • <u>Gross Negligence Manslaughter</u> • Identification and discussion of the offence of Gross Negligence Manslaughter • Explanation of the elements of GNM – duty of care, breach of duty, death, 'grossly negligent' • Application to scenario – there exists a duty of care between a carer and a patient, the duty of care has been breached when Carole 'forgot' to administer important medication, the breach has led to death. Key discussion of whether Carole's actions are 'grossly negligent'. • Reasonable conclusion	