



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 11 – Criminal Litigation

Question paper

November 2023

Time allowed: 1 hour and 45 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.
- You must answer **all** questions.
- This question paper is out of 70 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 use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You are **not** allowed access to any statute books.
- A basic calculator is provided should you require the use of one.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Question 1

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) Explain which grounds apply to Lily's arrest, giving reasons. **(8 marks)**
- (b) Explain what Lily must be told upon her arrest, citing the relevant statutory provision. **(4 marks)**
- (c) Name the title of the police officer who oversees detention upon arrival at the police station and give the minimum rank of such an officer. **(2 marks)**
- (d) Explain whether Lily can telephone her boyfriend while she is in custody. **(2 marks)**
- (e) Explain the procedures the police must follow if they wish to take a blood sample from Lily. **(5 marks)**
- (f) Explain Lily's right to silence and the consequences of not mentioning, when interviewed, that she was with her boyfriend. **(3 marks)**
- (g) Explain whether Lily's confession during her police interview was obtained lawfully, and whether it could be excluded from trial. **(6 marks)**

(Total: 30 marks)

Question 2

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) Identify the statute that covers the interests of justice test. **(1 mark)**
- (b) Identify **one** ground in the interests of justice test and state whether that ground would be satisfied in Lily's case. **(2 marks)**
- (c) If Lily's trial is to be held in the Crown Court, explain how she will be means tested if she applies for public funding for legal representation. **(4 marks)**

(Total: 7 marks)

Question 3

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

- (a) If the court decides to try Lily's case summarily, advise Lily of her options. **(2 marks)**
- (b) Explain the procedure at a bail hearing in the magistrates' court. **(4 marks)**
- (c) If the court grants Lily bail, identify **two** conditions it may attach and give reasons why these may be appropriate in her case. **(4 marks)**
- (d) State what the term 'unused' material means. **(1 mark)**

Lily's trial is taking place in the Crown Court.

- (e) Explain the legal requirement on the prosecution to disclose 'unused' material in the Crown Court. **(3 marks)**
- (f) Identify which statute contains the requirements for a defence statement. State any **four** types of information a defence statement must contain. **(5 marks)**
- (g) Identify the likely consequence if a defence statement is not filed in Lily's case. **(1 mark)**
- (h) Once a defence statement has been filed in Lily's case, explain the duty of the prosecution in relation to the defence statement. **(3 marks)**

(Total: 23 marks)

Turn over

Question 4

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

Lily is convicted of burglary in the Crown Court.

- (a) Explain the factors the court will take into account in determining Lily's sentence and the type of sentence it is likely to be.

(5 marks)

Lily wishes to appeal against her conviction and sentence.

- (b) Explain which court Lily can appeal to, within which timeframe, and the possible outcomes of any appeal.

(5 marks)

(Total: 10 marks)

(Total Marks: 70 marks)

End of Examination Paper

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