



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

Unit 3 – Criminal Law

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.
- There are **two** sections in this question paper — Section A and Section B.
- You must answer **all** questions from Section A.
- There are three scenarios in Section B — you must choose **one** scenario and answer **all** questions relating to that scenario.
- 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 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

SECTION A

Answer all questions.

1. Explain the requirement for the *actus reus* and *mens rea* to coincide. **(3 marks)**
2. Define recklessness in a criminal case. **(3 marks)**
3. Identify the *actus reus* elements of murder. **(3 marks)**
4. Define what is meant by legal causation. **(2 marks)**
5. Explain the mens rea of criminal damage. **(3 marks)**
6. Identify the **three** situations defined in s.2(1) Theft Act 1968 where a defendant's acts are not regarded as dishonest. **(3 marks)**
7. Explain **two** factors which determine whether an offence is one of strict liability. **(2 marks)**
8. Define the *actus reus* of criminal attempt. **(4 marks)**
9. Explain the requirements of the partial defence of loss of control. **(5 marks)**
10. Identify the **two** forms of the defence of duress. **(2 marks)**

(Total Marks for Section A: 30 marks)

SECTION B

There are three scenarios — you must choose one scenario and answer all questions relating to that scenario.

Scenario 1

Alan and Bob supported rival football teams and lived next door to each other. Bob had painted his house green and white, the colours of his football team. As a consequence, Alan held a grudge against Bob.

In order to frighten Bob into moving from his house to live somewhere else, Alan lit a newspaper and put it through Bob's letterbox. The flaming newspaper fell onto letters that were on the floor and the fire spread rapidly throughout Bob's house. Although Bob was not at home, his girlfriend, Rachel, was asleep upstairs at the time. Rachel was overcome by smoke inhalation and lost consciousness. A neighbour saw the fire and called the emergency services.

A fire engine arrived soon afterwards. The fire was difficult to control, and it was some time before Rachel could be rescued, by which time she had nearly stopped breathing. A firefighter attempted to carry Rachel to safety but dropped her. As a result, she suffered a fractured skull and died instantly.

On hearing the news that Rachel had died as a result of Alan's actions, Bob bought a kitchen knife from a shop. He then went to Alan's house and Alan's sister Tamzin answered the door. Bob stabbed her through the heart several times, and as a result she died. Bob suffers from serious depression and has done so for many years.

Turn over

Scenario 1 Questions

1. In relation to the death of Rachel:

(a) identify the offence and the elements of the offence for which Alan might be charged;
(6 marks)

(b) explain how the elements may apply to Alan's case;
(4 marks)

(c) explain whether Alan has caused Rachel's death.
(10 marks)

(Total: 20 marks)

2. In relation to Tamzin's death:

(a) identify the offence and the elements of the offence for which Bob might be charged;
(6 marks)

(b) explain how the elements may apply to Bob's case.
(4 marks)

(Total: 10 marks)

3. If Bob is charged with an offence in relation to Tamzin's death, explain any partial defence that may be available to Bob.

(10 marks)

(Total Marks for Scenario 1: 40 marks)

Scenario 2

Jon lives in a terraced house at 15 Kempston Manor Road. A group of young friends rent the house next door at number 13. Every Saturday, the neighbours at number 13 would have loud parties that continued until 4 am. In the summer, they held the parties in their back garden, which shared a low fence with Jon's garden. The parties were so loud that Jon had trouble sleeping.

One Friday in the summer, Jon was in his back garden and saw the neighbours installing speakers and garden lights in their back garden in preparation for Saturday's party. Jon was annoyed that he would have another sleepless night. That evening, he climbed over the fence into the neighbours' back garden. He pulled down the speakers and smashed them into pieces. He then took the garden lights and returned to his garden. He hid the garden lights in his shed, thinking he would put them back on Monday.

Despite the broken speakers and the missing lights, the neighbours went ahead with the party. They lit the garden with candles and lanterns. A large number of guests came to the party and there were not enough chairs. Victoria, who was one of the guests, decided to look for a chair in the shed at the bottom of the garden. She took one of the candles with her to help her see in the shed. One of the party organisers told her not to take the candle into the shed, as there were highly flammable materials in there, including sawdust. Victoria was determined to find a chair and she ignored him. She found a chair and took it from the shed but left the candle on top of a pile of sawdust in the shed. The sawdust caught fire, burning down half the shed before the fire was extinguished.

Turn over

Scenario 2 Questions

1. In relation to the speakers:

(a) identify the offence and the elements of the offence with which Jon might be charged;
(6 marks)

(b) explain how the elements may apply in Jon's case.
(4 marks)

(Total: 10 marks)

2. In relation to the garden lights:

(a) identify the offence and the elements of the offence with which Jon might be charged;
(6 marks)

(b) explain whether Jon had the required *actus reus* for the offence;
(3 marks)

(c) explain whether Jon had the required *mens rea* for the offence.
(6 marks)

(Total: 15 marks)

3. In relation to the shed catching fire:

(a) identify the offence and the elements of the offence with which Victoria might be charged;
(6 marks)

(b) explain how the elements may apply in Victoria's case.
(5 marks)

(Total: 11 marks)

4. Assume for the purpose of this question only that Victoria had already consumed several alcoholic drinks during the party.

Explain any defence that Victoria may be able to rely on, and whether it is likely to be successful.

(4 marks)

(Total Marks for Scenario 2: 40 marks)

Scenario 3

Imani is out of work and has very little money. Joshua, her neighbour, has just bought an expensive bicycle. He keeps it under a large cover in the alleyway down the side of his house, between his house and a low fence separating it from Imani's property.

One night, Imani decides that she is going to steal Joshua's bicycle. She waits until it is dark and jumps over the fence. Unknown to her, Joshua has cycled to work earlier that evening. Imani makes her way into the alleyway until she gets to the cover. She lifts the cover up and sees that the bicycle is not there, so begins to run off out of the alleyway. Joshua's girlfriend, Liz, hearing noises from the side of the house, goes into the alleyway and sees Imani running towards her. Thinking she is about to be attacked, Liz punches Imani in the stomach. Liz then goes back inside her house and calls the police.

Imani walks to see her boyfriend, William. He is a drug dealer who lives ten minutes away. When she arrives at his house, she tells William what happened and that she needs money. William says he thinks he can help her out financially. He tells Imani that if she goes to Dave's house, a rival drug dealer, immediately, and puts a lighted rag soaked in petrol through the dealer's letterbox, he will give her some cash. Imani refuses to do this, at which William threatens to severely injure Imani if she does not do this. Imani becomes scared and does what William has asked. The resulting fire severely damages Dave's house. There is no one in the house at the time and nobody is injured.

Turn over

Scenario 3 Questions

1. In relation to Imani going into the alleyway:

(a) describe the offence with which she might be charged;

(5 marks)

(b) explain how the elements of the offence apply to Imani.

(5 marks)

(Total: 10 marks)

2. In relation to Liz punching Imani in the stomach:

(a) describe the defence which Liz may be able to use;

(6 marks)

(b) explain how the elements of the defence apply to Liz.

(4 marks)

(Total: 10 marks)

3. In relation to Imani setting fire to Dave's house:

(a) describe the offence and the elements of the offence Imani may have committed;

(6 marks)

(b) explain how the elements of the offence may apply to her;

(4 marks)

(c) identify any defence which Imani may be able to use and explain how it applies in her case.

(10 marks)

(Total: 20 marks)

(Total marks for Scenario 3: 40 marks)

End of the examination

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