



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

Unit 11 – Criminal Litigation

Question paper

January 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.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

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

- (a) Describe the detention time limits that apply to Mei Ling before the police have to make a decision on whether or not to charge her.
(6 marks)
 - (b) Identify any **two** legal rights that Mei Ling has while in custody, giving the statutory reference for each.
(4 marks)
 - (c) Identify any **three** duties of the custody officer.
(3 marks)
 - (d) Explain how Nicola Wilson's attendance at the police station could be funded.
(4 marks)
- (Total: 17 marks)**

Question 2

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

Mei Ling is charged with burglary and pleads not guilty in the Magistrates' Court.

- (a) (i) Describe the role of lay magistrates. **(3 marks)**
- (ii) Explain the role of a legal adviser in a Magistrates' Court. **(3 marks)**
- (b) Identify the purpose of an allocation hearing and state why this applies to Mei Ling's case. **(2 marks)**
- (c) Describe the guidelines that the magistrates must use at an allocation hearing in deciding where Mei Ling's case should be heard. **(8 marks)**
- (d) Identify **two** factors in favour of, and **two** factors against, Mei Ling having her case tried in the Magistrates' Court. **(4 marks)**
- (e) Explain the term 'prima facie bail' and whether or not it applies in Mei Ling's case, giving reasons. **(3 marks)**
- (f) Explain the grounds on which the prosecution may object to bail and how those objections might be dealt with in Mei Ling's case. **(6 marks)**

Mei Ling is refused bail.

- (g) Identify which court she should appeal to and within what time limit. **(2 marks)**

(Total: 31 marks)

Turn over

Question 3

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

Mei Ling's case is to be tried in the Magistrates' Court.

- (a) What does the term 'used' material mean?

(1 mark)

- (b) Explain when the prosecution has to serve the advance information, giving the statutory reference.

(3 marks)

Mei Ling is convicted of burglary in the Magistrates' Court.

- (c) Explain the content of a plea in mitigation in Mei Ling's case.

(10 marks)

- (d) Using the Extract from Magistrates' Court Sentencing Guidelines Non-Domestic Burglary (**Document 3**) explain how the court will determine Mei Ling's sentence and what her sentence is likely to be.

(6 marks)

Mei Ling wishes to appeal her sentence.

- (e) Identify which court Mei Ling needs to apply to and within what time limit.

(2 marks)

(Total: 22 marks)

(Total Marks: 70 marks)

End of the examination