



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

**Unit 3 – Criminal Law**

**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.
- 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.
- 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. Identify any **three** special categories where a duty to act arises. ( 3 marks)
2. Define the *actus reus* of murder. ( 3 marks)
3. Explain *mens rea*. ( 3 marks)
4. Define the *actus reus* of attempt. ( 3 marks)
5. Define the *mens rea* of basic criminal damage. ( 2 marks)
6. Define the **three** statutory beliefs within s.2 of the Theft Act 1968. ( 3 marks)
7. Identify the **two** circumstances in which the defence of duress would be unsuccessful. ( 2 marks)
8. Identify the elements of 'loss of control' under the Coroners and Justice Act 2009. ( 5 marks)
9. Explain whether involuntary intoxication can provide a defence. ( 3 marks)
10. Identify any **three** justifications for strict liability offences. ( 3 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**

Sam and Cheng were friends. Sam knew that in the past Cheng had committed criminal and violent acts when he did not get what he wanted. One day, Cheng asked if Sam would lend him a large sum of money. Sam said he had no money. Cheng replied, 'You'd better find some quickly or that lovely girlfriend of yours will lose her good looks forever'. Sam could not bear the thought of his girlfriend being hurt, so he decided to steal the money from his employer.

Sam worked in the office of a construction company and he knew that, on pay day, the firm's Wages Clerk often left the employees' wage packets on her desk when she went for lunch. The next day was pay day and Sam entered the wages room at lunchtime intending to take the wage packets. As Sam was walking towards the Wages Clerk's desk, he heard someone approaching the wages room and he quickly left and ran out of the building towards town.

While running, Sam tripped over a brick which had fallen from a low garden wall onto the pavement. In anger, Sam picked up the brick and threw it over the garden wall. The brick smashed a large garden ornament.

Further down the road, Sam saw a box which had been left outside the door of a charity shop. Sam took the box, hoping it contained something valuable to sell so he could give the money to Cheng. The box contained old hats being donated to the charity shop.

***Turn over***

### Scenario 1 Questions

1. In relation to the wages room:

(a) describe the offence with which Sam might be charged; (6 marks)

(b) explain how the elements of the offence apply to Sam; (4 marks)

(c) explain any defence that Sam may have; (6 marks)

(d) explain whether or not this defence is likely to be successful. (4 marks)

(Total: 20 marks)

2. In relation to the smashed ornament:

(a) describe the offence with which Sam might be charged; (6 marks)

(b) explain how the elements of the offence apply to Sam. (4 marks)

(Total: 10 marks)

3. In relation to the box of old hats:

(a) describe the offence with which Sam might be charged; (6 marks)

(b) explain how the elements of the offence apply to Sam. (4 marks)

(Total: 10 marks)

(Total Marks for Scenario 1: 40 marks)

## Scenario 2

Dele had his employment terminated by his employer, Music Mania, after one of his colleagues told his manager that Dele was lazy and rude to customers. Dele did not know which of his colleagues, Victor or Martin, had told the manager, but Dele decided to take revenge on both of them.

First, Dele decided to poison Victor. During a tea break he poured some poison into Victor's tea, believing and intending the dose to be fatal. In fact, the dosage was too small to kill. Victor had been having marital problems and had recently separated from his wife, Olga. The separation had been hostile and unfriendly. Olga also wished Victor dead. Unknown to Dele, the same day that Dele poured poison into Victor's tea, Olga went round to Victor's house and put a similar dose of poison in the milk bottle on his doorstep. Victor later had a drink of the milk from the bottle. The cumulative effect of the poison killed Victor.

After Victor's death, Dele turned his attention to Martin. Martin is a keen motorcyclist who rides his motorcycle everywhere. Dele cut the brake cables on Martin's motorcycle, intending the motorcycle to crash. As soon as Martin began riding the motorcycle, he lost control because the brakes failed. The motorcycle crashed into a bus stop, but Martin was unharmed in the crash.

Unfortunately, the motorcycle knocked down a young girl, Tina, who was waiting for a bus. Tina died instantly from the injuries she sustained in the crash.

**Turn over**

## Scenario 2 Questions

### 1. In relation to Victor's death:

(a) identify the offence and the elements of the offence for which Dele and Olga might be charged;

(6 marks)

(b) explain how these elements may apply in Dele's case;

(4 marks)

(c) describe what the prosecution would need to establish in order to prove that Dele and Olga caused Victor's death;

(3 marks)

(d) explain whether Olga and Dele caused Victor's death.

(3 marks)

(Total: 16 marks)

### 2. In relation to cutting the brake cables of the motorcycle:

(a) identify the elements of the offence of aggravated criminal damage;

(6 marks)

(b) explain how these elements may apply in Dele's case.

(4 marks)

(Total: 10 marks)

3. In relation to cutting the brake cables, explain whether Dele would be liable for attempted murder.

(8 marks)

### 4. In relation to Tina's death:

(a) explain whether Dele had the *actus reus* for murder;

(2 marks)

(b) explain whether Dele had the *mens rea* for murder.

(4 marks)

(Total: 6 marks)

(Total Marks for Scenario 2: 40 marks)

### **Scenario 3**

Leo was a live-in carer for his younger brother, Vlad. Vlad had been born with serious physical disabilities and learning difficulties. He needed constant care. Once their parents grew old, Leo became the primary carer for Vlad. While Leo deeply cared for his brother, at times he would leave Vlad alone in the house while he went out with his friends. Leo knew that Vlad found being left alone stressful but Leo said he needed his free time too.

One evening, Leo went out to a party with a friend, Tom. He knew he should have returned home in the evening to check on Vlad and to give him his evening medicines, but he was having a great time and did not want to leave in the middle of the party. Leo decided to stay out, and he only returned home the next afternoon. When he arrived home, he found Vlad unconscious on the floor. Vlad had suffered a seizure due to missing his medication and he had collapsed. Leo called an ambulance but the ambulance took two hours to arrive. When it arrived, it was too late. Vlad had died.

Leo felt guilty that he had stayed out all night and he blamed Tom. The following week, Leo saw Tom in the street and hit him. Tom, fearing that Leo would seriously injure him, punched and kicked Leo repeatedly. Leo had to be taken to hospital. On examination, it was discovered that Leo's jaw had been broken.

***Turn over***

### Scenario 3 Questions

1. In relation to Vlad's death:

(a) identify and define the elements of the offence with which Leo might be charged;

(8 marks)

(b) explain whether the elements of the offence have been established in relation to Leo. (Do **not** consider the impact of the ambulance delay.)

(5 marks)

(Total: 13 marks)

2. In relation to causing Vlad's death:

(a) explain what is required to establish legal causation, using relevant case law;

(5 marks)

(b) explain the circumstances in which the chain of causation can be broken;

(6 marks)

(c) explain whether the delay in the arrival of the ambulance broke the chain of causation.

(5 marks)

(Total: 16 marks)

3. In relation to Leo's injuries:

(a) describe any defence Tom might have;

(7 marks)

(b) explain whether this defence is likely to be successful.

(4 marks)

(Total: 11 marks)

(Total Marks for Scenario 3: 40 marks)

**End of the examination**