



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

**Unit 11 – Criminal Litigation**

**Question paper**

**June 2022**

**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, 2 and 3** of the case study materials.

- (a) (i) Explain the requirements for a lawful arrest. **(6 marks)**
- (ii) Explain whether these requirements were followed when Debbie was arrested. **(4 marks)**
- (b) (i) Identify the classification of the offence for which Debbie was arrested. **(1 mark)**
- (ii) Identify **one** other classification of offences and give an example. **(2 marks)**
- (c) Explain whether the police had grounds to search Debbie and, if so, whether the search was lawful. **(6 marks)**

**(Total: 19 marks)**

## Question 2

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

(a) Identify the most relevant article under the European Convention on Human Rights (ECHR) that applies to Debbie, and state which right it covers:

(i) at the point of her arrest;

**(2 marks)**

(ii) at the point she is searched.

**(2 marks)**

(b) Explain the requirements to review Debbie's detention before she was charged, and whether the proper procedures were followed in her case.

**(6 marks)**

(c) (i) Explain why Debbie's confession during the police interview was obtained unlawfully.

**(2 marks)**

(ii) Explain **two** statutory provisions which could be used to exclude her confession from any trial.

**(4 marks)**

(d) Explain how Akhil Khan's attendance at the police station could be funded.

**(3 marks)**

**(Total: 19 marks)**

**Turn over**

### Question 3

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

Debbie intends to plead not guilty.

- (a) Describe the procedure at a bail hearing in the Magistrates' Court. **(4 marks)**
- (b) Explain the likelihood of Debbie being granted bail, with reasons to support your answer. **(3 marks)**
- (c) Identify the purpose of an allocation hearing and state why this applies in Debbie's case. **(2 marks)**
- (d) Describe the guidelines which the magistrates must use at an allocation hearing for Debbie's case. **(7 marks)**
- (e) Explain which court is likely to try Debbie's case, giving reasons for your answer. **(3 marks)**

**(Total: 19 marks)**

#### **Question 4**

Reference: Question relates to **Documents 1, 2, 3 and 4** of the case study materials.

**Assume for the purposes of Question 4 that Debbie's case is to be tried in the Magistrates' Court.**

(a) State what is meant by the term 'unused' material.

***(1 mark)***

(b) Explain the legal requirement for the prosecution to disclose 'unused' material.

***(3 marks)***

**Debbie is convicted of criminal damage.**

(c) Explain how the court is likely to determine Debbie's sentence and what the sentence is likely to be, using Document 4 (the Extract from the Magistrates' Court Sentencing Guidelines).

***(6 marks)***

(d) Explain how Debbie can appeal against her sentence.

***(3 marks)***

***(Total: 13 marks)***

**End of the examination**

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