



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

Unit 3 – Criminal Law

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.
- 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. Define what is meant by transferred malice. **(2 marks)**

2. Identify the two forms of the defence of duress. **(2 marks)**

3. Explain the defence of lawful excuse for the offence of criminal damage. **(4 marks)**

4. State the *mens rea* of murder. **(3 marks)**

5. Explain the qualifying triggers to establish the partial defence of loss of control. **(3 marks)**

6. State the elements of the *actus reus* of theft. **(3 marks)**

7. Define the offence of attempt. **(4 marks)**

8. Explain when voluntary intoxication can provide a defence. **(3 marks)**

9. Explain the requirement that the *actus reus* and *mens rea* must occur at the same time. **(2 marks)**

10. Explain **four** reasons why the existence of strict liability offences is justified. **(4 marks)**

(Total 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

During the school half-term, Tony, aged 15, left his house to go and buy a sandwich from the local shop.

As he was about to enter the shop, he was approached by Sam, a student from Tony's school, who was the same age. Tony knew that Sam was a bully and had intimidated other students in the past. Sam told Tony that he must steal a can of beer for him, from the shop. Sam said that he would wait outside the shop. Sam also said that if Tony did not steal a can of beer, when the school returned after half-term, Sam would tell the teachers that Tony had been selling drugs at school.

Tony was afraid that Sam would carry out his threat if he did not do what Sam said. Tony thought about it for a short while, and decided to do what Sam wanted. Tony went into the shop and picked up a sandwich, which he then paid for. On the way out of the shop, Tony took a can of beer from the display near the door and left the shop without paying for it. Tony saw Sam waiting outside and gave him the can of beer. Tony then ran off.

Tony sprinted round a corner to get away. As he turned the corner, he found that he was running directly towards Sinead, a pedestrian. Sinead believed that Tony was going to attack her. She picked up a half-brick lying on the pavement and hit him on the head with it several times. Tony was seriously injured as a result.

Turn over

Scenario 1 Questions

In relation to the can of beer:

1. (a) identify the offence and the elements of the offence that Tony may have committed; **(6 marks)**
 - (b) explain how the elements of the offence apply to Tony. **(6 marks)**
- (Total: 12 marks)**

In relation to the can of beer:

2. (a) identify and explain the elements of any defence which Tony may have; **(8 marks)**
 - (b) explain how the elements of this defence apply to Tony. **(5 marks)**
- (Total: 13 marks)**

In relation to Sinead hitting Tony:

3. (a) identify and explain the defence that she may be able to use; **(9 marks)**
 - (b) explain how the defence may apply to Sinead. **(6 marks)**
- (Total: 15 marks)**

(Total for Scenario 1: 40 marks)

Scenario 2

Dimitri and Amy have been married for five years. Dimitri had been acting strangely in recent weeks, and Amy suggested that he should go and see his doctor. Dimitri went to see his doctor, who sent him to a psychiatrist for further evaluation. The psychiatrist concluded that Dimitri was suffering from schizophrenia, which is a mental disorder.

One day, when Dimitri returned home from work, he started arguing with Amy in the kitchen about their relationship. Dimitri thought that Amy had been seeing someone else. Amy denied having any other relationship and tried to calm Dimitri down. Amy continued to deny having an affair and Dimitri was overcome with a jealous rage. He threatened her that he would kill her unless she told the truth. Amy said she only loved him and pleaded with him to leave her alone. Dimitri grabbed a kitchen knife from a knife rack and demanded the truth, but Amy continued to deny having an affair. Dimitri lunged at Amy with the kitchen knife and stabbed her in the chest.

Amy fell to the floor and started losing a lot of blood. Dimitri, realising what he had done, phoned an ambulance, which arrived shortly afterwards.

When she arrived at hospital, the doctors realised that Amy had lost so much blood that she would need a transfusion in order to keep her alive. Amy was still conscious at this stage and refused the transfusion due to her religious beliefs.

Amy died shortly afterwards.

Turn over

Scenario 2 Questions

1. In relation to Dimitri's actions:

(a) identify the offence and the elements of the offence that he has committed;
(8 marks)

(b) explain how the elements of the offence apply to Dimitri;
(5 marks)

(c) explain how the principles of causation apply to Dimitri's actions.
(9 marks)

(Total: 22 marks)

2. (a) Identify and explain the partial defence that may be available to Dimitri.
(5 marks)

(b) Explain whether this partial defence is likely to be successful and why.
(5 marks)

(Total: 10 marks)

Assume, for the purposes of Question 3 only, that Amy managed to avoid being stabbed. As Dimitri lunged at Amy with the kitchen knife shouting "I'm going to kill you", she ran out of the house and escaped to safety.

3. (a) Identify the offence and the elements of the offence with which Dimitri may be charged.
(5 marks)

(b) Explain how the elements of the offence apply to Dimitri.
(3 marks)

(Total: 8 marks)

(Total for Scenario 2: 40 marks)

Scenario 3

Paul and his girlfriend Janice have recently separated. He saw on social media that Janice has been out most nights with her friends, and he became annoyed and upset about their breakup. One evening, when Paul knew that Janice was out at a local wine bar with her friends, he decided that he was going to teach her a lesson. He knew that Janice parked her car in a parking space about half a mile from her house. He left his flat, walked to where Janice's car was parked and smashed her car windscreen with a brick.

Paul then went home. On entering the communal area of the flats, he saw a scarf on the floor. Believing it was his scarf, he picked it up and took it into the flat with him. The scarf actually belonged to his next-door neighbour.

Whilst in the flat Paul drank two bottles of wine, and he began getting angrier about the situation he was in since he and Janice split up.

Shortly after finishing the wine, Paul walked to Janice's house to see if she was in, taking the scarf with him. Having arrived outside Janice's house, he saw that her upstairs lights were on. Thinking she was in, he decided to scare her. Paul lit the scarf with his lighter and stuffed it through the letterbox in her front door. Paul waited until he was sure that the scarf had set fire to the carpet and front door, then he ran off.

Janice's neighbour had seen Paul setting fire to the house, and immediately called the fire brigade, who arrived and put the fire out before it caused more extensive damage. Janice had been at the wine bar all the time.

Turn over

Scenario 3 Questions

1. In relation to the car windscreen:

(a) identify the offence that Paul may have committed;

(5 marks)

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

(5 marks)

(Total: 10 marks)

2. In relation to the scarf:

(a) identify and explain the general defence Paul could use if charged with theft;

(4 marks)

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

(3 marks)

(Total: 7 marks)

3. In relation to Paul's actions at Janice's house:

(a) identify the offence and the elements of the offence that he may have committed;

(6 marks)

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

(5 marks)

(Total: 11 marks)

4 (a) Identify the defence and the elements of the defence that Paul may be able to use in relation to his actions at Janice's house.

(8 marks)

(b) Explain whether the defence is likely to be successful.

(4 marks)

(Total: 12 marks)

(Total for Scenario 3: 40 marks)

End of the examination

© 2022 The Chartered Institute of Legal Executives