



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 3 – Criminal Law

Question paper

January 2023

Time allowed: 3 hours and 15 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. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 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 can use your own unmarked copy of the following designated statute book – **Blackstone's Statutes on Criminal Law, 32nd edition, Matthew Dyson, Oxford University Press, 2022.**
- 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 at least one question from this section)

1. (a) Critically evaluate the role and function of the defence of duress in criminal law.
(14 marks)

(b) Critically evaluate the offence of gross negligence manslaughter.
(11 marks)

(Total: 25 marks)

2. Critically evaluate the impact of recent case authority in respect of dishonesty offences.
(25 marks)

3. Critically evaluate the position taken in criminal law in respect of consent to the deliberate infliction of harm.
(25 marks)

4. Critically evaluate the impact of the decision of the Supreme Court in the case of R v Jogee (2016) in respect of secondary party liability for murder.
(25 marks)

SECTION B
(Answer at least one question from this section)

Question 1

The Kempston Museum was celebrating its centenary and had organised a free coach trip to the museum for local people. The coach was driven by Andy.

Warren was one of the passengers on Andy's coach trip to the museum. Warren needed money to pay his utility bills. On the journey to the museum, he decided to see if he could steal anything of value from the museum to sell for cash.

Warren walked into the museum without paying and once inside, he wandered around looking at the displays. He could see a wallet sticking out of Elijah's back trouser pocket. He walked over and lifted the wallet out of Elijah's pocket as Elijah leaned forward to look at an exhibit.

Elijah realised that his wallet had been stolen and he shouted, "stop thief!". Warren started running. The security guard, Hugo, chased Warren. Warren grabbed an ornamental dagger from a display and lunged at Hugo stabbing him in the stomach.

Warren immediately dropped the dagger and ran out of the museum.

Outside the museum, Andy was just about to drive his coach to the car park when Warren jumped onto the coach. Waving a bloodied fist at Andy, Warren told Andy to drive away, or he would kill him.

Andy did as he was told as he was afraid of what Warren might do. Warren got off the coach a few streets away.

Advise Warren on the potential criminal offences committed.

[NOTE TO CANDIDATES: You are NOT required to consider any potential defences that may be available to Warren.]

(25 marks)

Turn over

Question 2

George and his wife, Farah, were driving to visit their son, Owen. As they drove under a bridge, Luca overtook George's car in his van, at speed, and collided with George's car, causing a large dent to the driver's side of the car.

George signalled to Luca to stop but was met with a rude hand gesture from Luca and the van continued on its journey.

George followed Luca and made several attempts to stop him. When the traffic naturally came to a stop at traffic lights, George got out of his car, approached the van and asked Luca for his name and address.

Luca shouted at George to get lost or he would break both of George's legs. George was 75 and no match for Luca, who George estimated was in his 30s. George feared that Luca would assault him so he went to the front of Luca's van and took a photo of the van's number plate and Luca in the driving seat, with his phone.

George then walked back towards his car. Luca was furious. He got out of the van, forced George to the floor and tried to take George's phone.

By now other people had got out of their cars. Some were providing assistance to George, whilst others called the police and detained Luca until the police arrived. It was obvious that Luca was under the influence of alcohol or drugs as his speech was slurred and he was trying to get away before the police came.

George broke his hip and had to undergo a complete hip replacement due to his age. He also suffered minor concussion and bruising to his shoulder.

When Luca was breathalysed by the police, he was found to be more than twice over the drink drive limit.

Advise Luca on the potential criminal offences committed together with any defences that may be available to him.

[NOTE TO CANDIDATES: You are not required to discuss motoring offences.]

(25 marks)

Question 3

(a) Misbah was unemployed and decided to make some money so she could book a holiday. She employed a web design company to set up a website for her to advertise her clothing for sale. She gave them incorrect contact details so that they would not be able to charge her for the work. Misbah advertised clothes and shoes on the site as 'new' or 'unworn' when really they were her own clothes and shoes which had been worn. When she had made sufficient money, she closed down the site.

Advise Misbah as to her criminal liability in the above scenario.

(13 marks)

(b) Zack was recently subject to a violent street robbery which left him badly shaken and very nervous. One night after the robbery, he was walking home from work. It was dark. He heard someone approaching him from behind. He turned around and saw someone in a hooded top running towards him.

Zack thought he was going to be robbed again so he tripped the person up, causing them to fall and hit their head. The person turned out to be Zack's neighbour Bart, who suffered a serious head injury.

Zack is charged with GBH contrary to s20 of the Offences Against the Person Act 1861.

Advise Zack as to the potential defence/s that may be available to him in the above scenario.

(12 marks)

(Total:25 marks)

Turn over

Question 4

Imani was an amateur athlete who was training for a forthcoming triathlon.

She decided to go for a run in the local countryside, near a disused farm. Xander and his friend Richard were both 18 and unemployed. They had gone to the disused farm with their air rifles, to practise shooting cans off walls.

As Richard was shooting at some cans, Xander saw a flash of colour in the woodland below. He aimed his rifle and fired. The pellet hit Imani in her side, and she fell to the floor.

Xander realised he had shot someone, and he and Richard ran off. They passed Vera on the path who was walking her dog. Vera found Imani and called an ambulance and the police.

Imani was taken to hospital but suffered a cardiac arrest on the way and died before reaching the hospital.

Imani's mother, Carrie, had only recently come out of hospital after suffering a nervous breakdown following her divorce from Imani's father, Tariq.

Carrie had been diagnosed with severe depression and had self-harming tendencies but was doing well on medication and had been allowed to return home.

Vera phoned Carrie and told her that Imani had been shot and was on her way to hospital. Carrie went to the kitchen and took a carving knife out of the knife block and walked to Tariq's new house which was nearby.

She knocked on the door and Tariq opened it. Carrie stabbed Tariq in the chest 3-4 times before he fell to the floor, she then sat on the garden wall and waited for the police.

Tariq's neighbour, Diana, found Tariq and immediately called the police and the ambulance service.

It was too late. Tariq had died where he fell.

Carrie was arrested.

Advise Xander and Carrie of their potential criminal liability together with any defences that may be available to them.

(25 marks)

End of the examination