



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions carry 25 marks. Answer FOUR only of the following EIGHT questions. This question paper is divided into TWO sections. You MUST answer at least ONE question from Section A and at least ONE question from Section B.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Law 2020-2021, 30th edition, Matthew Dyson, Oxford University Press, 2020.**
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW and the LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE**

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

1. Critically evaluate whether the imposition of criminal liability on defendants, who have not committed the *actus reus* of the full offence, is justified.

(25 marks)

2. (a) Critically analyse the circumstances in which a mistake will relieve a defendant of criminal liability.

(15 marks)

- (b) Critically evaluate whether s.76 of the Criminal Justice and Immigration Act 2008 clarified and improved the law on self-defence.

(10 marks)

(Total: 25 marks)

3. Critically evaluate whether the legal principles relating to the chain of causation and a *novus actus interveniens* in result crimes are satisfactory.

(25 marks)

4. Necessity and duress of circumstances are one and the same thing and should not be treated as individual defences.

Critically evaluate the above statement.

(25 marks)

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

Question 1

Xavier, Jamie, Fred and Cem worked for Pasha, a local drug dealer. Cem had been keeping some of the drugs and money for himself, and Pasha was very annoyed about this.

Pasha asked Xavier, Jamie and Fred if they would teach Cem a lesson. Xavier, Jamie and Fred agreed to 'give Cem a beating', so that he knew he shouldn't anger Pasha.

Xavier, Jamie and Fred agreed to meet Cem at the pub for a drink. They had a few pints and then Cem said that he had to leave. Cem finished his drink and left the pub, and Xavier, Jamie and Fred followed him at a distance. When Cem took a shortcut through an alley, Xavier confronted him about keeping drugs and money that weren't his and tried to hit Cem. Cem raised his fists in an attempt to defend himself.

Xavier and Jamie fought with Cem, while Fred just watched. Jamie managed to punch Cem hard in the face and Cem fell to the floor unconscious. When Jamie realised what he had done, he said to Xavier, 'Quick, let's get out of here', but Xavier said that he would stay to make sure Cem regained consciousness and to call an ambulance if he didn't.

As soon as Jamie and Fred had left, Xavier stabbed Cem twice in the chest with a flick knife. Xavier wanted to frighten Cem, as he wanted him to stop working for Pasha. Xavier thought that Cem was Pasha's favourite. Neither Jamie nor Fred knew that Xavier had a flick knife with him.

Cem suffered a swollen lip, a black eye and two puncture wounds to his chest, which narrowly missed his heart.

Advise Pasha, Xavier, Jamie and Fred of their potential criminal liability.

[Note to candidates: Do not consider any potential defences that may be available.]

(25 marks)

Question 2

Gail had recently started dating Li Mei. Gail knew that Li Mei's family were quite rich, and that Li Mei's birthday was coming up soon Gail wanted to get Li Mei something nice for her birthday, but she did not have much money.

Gail worked at a local pet store. One day, while she was on her lunch break, she saw that Abdul, the owner of the shop, had left his credit card on the table in the staffroom. Gail used the details on Abdul's credit card to book and pay a deposit for a weekend break for her and Li Mei. It was to be Li Mei's birthday present.

Payment in full was to be made at the end of the break, upon leaving the hotel. Gail was going to put the card in her purse, so she could use it to pay for the break, but she changed her mind and put the card back where she had found it.

Gail and Li Mei had a lovely weekend and at the end of the break, Gail told Li Mei to take the bags to the car, so that she could settle the bill. Gail then used the toilet in the hotel lobby and left the hotel without paying the bill.

Advise Gail of her potential criminal liability.

[Note to candidates: Do not consider any potential defences that may be available to Gail.]

(25 marks)

Question 3

Wil had been invited to Orla and Sean's wedding as a guest. When he arrived at the church, he saw that Daisy and Ben had also been invited to the wedding.

Wil and Daisy had been in a relationship for three years, which had broken up nine months earlier, when Daisy met Ben. Wil still had feelings for Daisy and was jealous of Ben.

During the reception, Wil drank a lot of cider and decided to tell Daisy how he felt. Wil approached Daisy and Ben's table as Daisy stood up to go to the bar. Wil told Daisy that she had ruined his life.

Daisy told him not to be so dramatic and she turned to walk away. Wil stood in front of her and stopped her from walking away. He put his face close to hers and aggressively told her that he hadn't finished with her yet. Wil was clearly drunk, and he looked so angry that Daisy was scared that he was going to hit her.

Orla could see what was happening, so she went over to try and calm things down. She got in between Wil and Daisy, just as Wil raised his hand to strike Daisy.

As Orla was in between them, he struck Orla instead.

Orla lost her footing and fell forward, hitting her head on the edge of the table. Orla was rushed to hospital, where it was found that she had fractured her skull but was expected to recover fully.

At the hospital, Dr Jacques prescribed Orla a drug to which she had an unexpected allergic reaction, and she died.

Advise Wil and Dr Jacques of their potential criminal liability.

[Note to candidates: Do not consider any potential defences that may be available to Wil or to Dr Jacques.]

(25 marks)

Question 4

- (a) Richard was away on holiday. Before going away, he had been in the pub, bragging about his new, state-of-the-art soundbar. Hari did not like Richard and, knowing he was away on holiday, decided to break into Richard's house to steal the soundbar.

Hari went to Richard's house and entered via a door at the back of the house. Hari broke the lock and damaged the door, trying to get in.

Once inside, Hari went into the lounge to look for the soundbar, but there was no sign of it. Richard did have the latest-model Xbox, so Hari took that instead. As he was leaving, Hari set fire to a small bin in the kitchen.

Advise Hari of his potential criminal liability.

[Note to candidates: Do not consider any potential defences that may be available to Hari.]

(13 marks)

- (b) Vicki and Emma went to the same university and they shared a flat.

Their friend, Travis, played in a band. He asked Vicki and Emma if they would like free tickets to the band's first gig.

Vicki suffered with mild epilepsy. Due to the fact that she had not had a seizure since she was a child, she did not have to take drugs to control it.

Vicki and Emma went to the pub before the gig and each drank six double vodkas with coke. When they got to the gig, they each got another double vodka and coke and went to dance.

Vicki and Emma really enjoyed the gig and danced all night. When they got home, Vicki told Emma that she felt a bit funny. Emma told her that she had had too much to drink and went to get Vicki a glass of water.

When she returned, Vicki was having a seizure on the floor. Emma panicked, ran next door and asked their neighbour, Ivan, if he could help.

Ivan tried to assist Vicki. As he did so, she lashed out, causing Ivan severe bruising to the head and a black eye.

Vicki has been charged with assault occasioning actual bodily harm contrary to s.47 of the Offences Against the Person Act 1861.

Advise Vicki whether the defences of automatism or insanity may be available to her.

(12 marks)

(Total: 25 marks)

End of Examination Paper