



**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**

**June 2022**

**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 2021-2022, 31st edition, Matthew Dyson, Oxford University Press, 2021***
- 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. The law in relation to non-fatal offences against the person is no longer fit for purpose and is in need of reform.

Critically evaluate the above statement.

[**Note to candidates: Do not** include a discussion of the defence of consent.]

**(25 marks)**

2. (a) Critically evaluate how successful the courts have been in defining the concept of recklessness.

**(10 marks)**

- (b) Critically evaluate the various methods used by the courts to avoid the principle of coincidence of the *Actus Reus* and *Mens Rea*.

**(15 marks)**

**(Total: 25 marks)**

3. Even though the Fraud Act 2006 has resolved many of the issues associated with the law of deception, critics say it is too wide in scope.

Critically evaluate the above statement.

**(25 marks)**

4. The courts have been inconsistent in their interpretation of the *Actus Reus* of an attempt.

Critically evaluate the *Actus Reus* of an attempt, having regard to the above statement.

**(25 marks)**

## SECTION B

Answer at least one question from this section.

### Question 1

Johannes and Dan are a same-sex couple who were renting a house on a local estate while they saved up for a deposit to buy their own house. Soon after moving in, they noticed that a group of youths seemed to be hanging around opposite their house.

The gang was led by Curtis aged 16 who is homophobic. The gang started shouting obscene and derogatory comments whenever Johannes or Dan left the house.

One morning, after months of abuse, Johannes left the house to go to work. He could see that homophobic words had been daubed on the sides of the car and faeces had been smeared on the windscreen. Johannes could see Curtis and a couple of his friends further down the street. They were pointing at Johannes and laughing.

Johannes shouted at Curtis and his friends to go away. They scattered in different directions and Curtis headed for the park opposite Johannes and Dan's house. He climbed onto the railings and as he jumped off the other side, he caught the hem of his trousers on the spike and became suspended by his trousers from the railings. From across the road, Johannes could see that Curtis was stuck and frightened, so decided to go over and help him.

Johannes tried to unhook Curtis's trouser leg from the spike, but Curtis thought that Johannes was going to assault him, so he pulled a Stanley knife from his pocket and stabbed Johannes in the thigh through the gap in the railings.

Johannes staggered back in shock. He put his hand on his thigh to stop the bleeding, but it was too late. The knife had pierced his femoral artery and he died minutes later.

Advise Curtis of his potential criminal liability together with any defences that may be available to him.

**(25 marks)**

**Turn over**

## Question 2

Rufus had an appointment with the bank manager, Lindsey, to discuss an application he had made for a loan for £10,000. Rufus needed the money to pay his gambling debts.

In his application he said that he was a self-employed electrician. Checks made by the bank revealed that he was, in fact, unemployed. Lindsey rejected Rufus's application as she said that Rufus would not be able to make the monthly repayments. Rufus stormed out of the building and went to a nearby pub to have a drink as he thought it would calm him down.

After consuming several pints of strong lager, Rufus returned to the bank to confront Lindsey. A security guard, Aaron, prevented Rufus from entering Lindsey's office. Rufus felt so aggrieved he headbutted Aaron in the face. Aaron suffered a black eye and a badly bruised nose.

Rufus then left the bank and went home. Rufus had presumed that his application would be successful and was furious that Lindsey had rejected it.

Still wanting to teach Lindsey a lesson, Rufus returned to the bank later that night, when the bank was shut. He posted a burning rag through the letterbox of the bank.

The burning rag caused some fire damage to the carpet before burning itself out.

Advise Rufus of his potential criminal liability together with any defences that may be available to him.

**(25 marks)**

### Question 3

Consider Gill and Nadiya's criminal liability for murder in the following scenarios:

(a)

Six months ago, Gill's unmarried sister Fliss was diagnosed as having a terminal illness. At the time she was informed that her maximum life expectancy was one to two years. Fliss asked Gill to assist with her death as she did not want to live anymore. Gill could see that Fliss was in tremendous pain, so she decided to do as Fliss asked and killed her by giving her too much medication.

Advise Gill.

**(10 marks)**

(b)

Nadiya had suspicions that her husband Ollie had been having an affair. One day Ollie told Nadiya that he was meeting his friend Yusuf for a pint in the pub. Nadiya and Ollie's phones were linked so Nadiya could track Ollie's movements: as a result, she knew that he had gone to a restaurant.

Before leaving the house to confront Ollie, Nadiya went to the kitchen and armed herself with the largest knife she could find. She went to the restaurant. The knife was hidden in her handbag. She looked around and saw Ollie sitting at a table holding hands with Xena, his girlfriend.

Nadiya was furious. She charged across the restaurant waving the knife and shouting that she was going to kill them both. Nadiya looked so angry that Xena believed her threat. Xena got up and ran to the emergency exit, Nadiya chased her. Xena opened the emergency exit door and ran out into the street, straight into the path of a delivery lorry.

The driver of the lorry could not stop in time and the lorry hit Xena killing her instantly. Nadiya went back into the restaurant and as she walked past Ollie, she stabbed him in his side with the knife. Ollie was taken to hospital where he was examined by a doctor, who stitched the wound. The wound had damaged one of Ollie's internal organs and Ollie later died from internal bleeding.

Advise Nadiya.

**[Do not provide advice for the doctor.]**

**(15 marks)**

**(Total: 25 marks)**

**Turn over**

#### **Question 4**

Kyle and Mandy needed money to pay their household and credit card bills, so they agreed to burgle their local pub after it closed that night.

After the pub had closed and everyone had gone home, Kyle and Mandy went to the pub. They disarmed the security alarm and the CCTV and entered the pub through an unlocked rear door. They took all of the money out of the tills and left the pub via the rear door.

The landlord, Tom, heard noises and voices downstairs, so he ran down the stairs and out of the front door. As Kyle and Mandy rounded the corner, they saw Tom and realised they were about to be caught.

Mandy ran off and Kyle shoved Tom causing him to fall to the floor before running after Mandy. Tom did not sustain any injuries.

Advise Kyle and Mandy of their potential criminal liability.

***(25 marks)***

**End of the examination**

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