



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 2017-2018, 27th edition, Matthew Dyson, Oxford University Press, 2017.**
- 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**

BLANK PAGE

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

1. (a) Critically evaluate the arguments for and against imposing strict liability on an individual.

(13 marks)

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

(12 marks)

(Total: 25 marks)

2. Critically evaluate the impact, if any, 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)

3. Critically evaluate whether the current tests for appropriation and dishonesty are fit for purpose in relation to the offence of theft.

(25 marks)

4. The introduction of the defence of loss of control by the Coroners and Justice Act 2009, to replace the old defence of provocation, has clarified the law in relation to voluntary manslaughter.

Critically evaluate the above statement.

(25 marks)

Turn over

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

Question 1

Boris and Michael play for rival football teams. Although they have known each other for a long time and used to be friends, they no longer speak to each other, as Boris reported Michael's brother to the police when the brother stole Boris's neighbour's car.

Boris and Michael were both playing for their respective teams in a fiercely contested local match. Boris was running towards the ball, when he saw Michael running towards him. Boris thought that Michael looked really angry and he thought that Michael was going to assault him. When Michael got close enough, Boris elbowed him in the face, causing Michael to fall to the ground.

The referee, Nigel, saw the assault and immediately stopped play. He went over to Boris and showed him a red card. Boris pushed Nigel forcefully, before walking off the pitch. Nigel fell to the ground, but was not injured.

Michael suffered a bruised and swollen cheekbone and Nigel suffered no visible injuries.

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

(25 marks)

Question 2

Sasha is of low intelligence and also suffers from clinical paranoia. Sasha's friend Luis, who is also of low intelligence, told her that he had heard that a new law was being introduced, which meant that all people without at least ten GCSEs would have to leave the UK.

Sasha was born in the UK and was very upset by this, as she did not want to leave the UK. She went to the pub with Luis and drank four pints of strong lager. On her way home from the pub, she passed her local MP's office.

She stood outside the office and shouted about how unfair she thought the treatment of people without the relevant qualifications was, and that she was going to stab the MP and set fire to the office. When it appeared that no one had paid any attention to her, she went and bought some paint and a brush from the shop next door and started daubing the walls of the office with anti-government slogans.

The staff inside the office were alarmed by Sasha's behaviour and were too afraid to go outside, so they called the police. The police arrived and arrested Sasha.

Advise Sasha of her potential criminal liability together with any defences that may be available to her.

(25 marks)

Turn over

Question 3

Nikolai was in the pub one evening. He overheard Petra telling her friends that she was looking after a priceless Egyptian artefact at her home, while a high-security case was being made to house the artefact in the local museum where she worked.

Nikolai knew where Petra lived and he decided to steal the artefact in the hope of selling it to a dealer in antiquities.

He left the pub and went to Petra's house. He found an open downstairs window and climbed onto the windowsill. Just as he was about to put his leg in through the window, he heard female voices. He thought that Petra was returning home, so he climbed down off the windowsill and went home.

The next day when Petra was at work, Nikolai returned to her house and let himself in through the window, which was still open. As he walked through the kitchen, Nikolai armed himself with a carving knife, just in case Petra came back while he was still in the house.

Nikolai could not find the artefact anywhere. Unbeknown to him, Petra had taken it into work with her. After a while, Nikolai gave up looking for the artefact, but as he was leaving, he noticed Petra's laptop on the table and he stole that instead.

(a) Advise Nikolai of his potential criminal liability.

[Do NOT discuss any potential defences that may be available to him.]

(14 marks)

Gerry decided to set up an online electrical supplies shop called 'Gerry's Electrical Supplies'. On his homepage, he said that he had extensive experience in the electrical trade when, in reality, his experience lay in floristry. His plan was to buy electrical supplies in bulk from his local DIY store and sell them at an inflated price.

Gerry went to the trade counter in his local DIY store and set up a trade account, using a credit card that he knew had been cancelled. The account gives 60 days' free credit before the registered card is charged. Gerry used his trade account to buy a number of items.

(b) Advise Gerry of his potential criminal liability.

[Do NOT discuss any potential defences that may be available to him.]

(11 marks)

(Total: 25 marks)

Question 4

Ariel was sitting on the Tube on her way home from work. The train was very full and all seats and standing spaces were taken. Suddenly the train stopped and all the lights went out.

Ariel started to panic; she broke out in a sweat and the only thing she could think of was getting off the train. She stood up and started making her way towards the end of the carriage.

Her friend, Donna, grabbed her arm and told her to sit back down. Without warning, Ariel lashed out and hit Donna, cutting Donna's face with a ring that she was wearing.

Donna sat back down, clutching her face, while another passenger, Ed, tried to restrain Ariel. Ariel was hysterical by now and she lashed out towards Ed, but did not make contact with him. The lights then came back on and the train started moving.

It was a very short distance to the next station, and when the train arrived there, Ed turned Ariel over to the transport police.

The whole incident lasted just a few minutes and Donna suffered a small but deep cut to her face, which required stitches. A few days later, Donna's wound became infected and she died of blood poisoning.

At the police station, Ariel was examined by a doctor while she was in custody. The doctor concluded that Ariel had suffered a one-off panic attack due to an incident in her childhood, when she had got locked in a dark cupboard for a number of hours. She does not have a history of such attacks.

Advise Ariel of her potential criminal liability together with any defences that may be available to her.

(25 marks)

End of Examination Paper

BLANK PAGE