



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**

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

1. (a) Critically evaluate whether the decision in *R v G and Another* (2003) has clarified the law in relation to recklessness.

(10 marks)

- (b) Critically evaluate the point at which mere preparation becomes an attempted offence in relation to statutory attempts.

(15 marks)

(Total: 25 marks)

2. Critically evaluate the way in which English law imposes criminal liability on an individual for an omission to act.

(25 marks)

3. There is no need for duress of circumstances and necessity to exist as separate defences, as they are one and the same thing.

Critically evaluate the above statement.

(25 marks)

4. It has been argued that constructive (unlawful act) manslaughter should be abolished, as it seems unjust that a person could be convicted of constructive manslaughter in the absence of proof of foresight of any harm to the victim.

Critically evaluate the above statement.

(25 marks)

Turn over

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

Question 1

Morris was driving his car through Bedford. As he approached a section where the road narrowed from two lanes to one, a taxi overtook him and pulled in front of him, causing him to brake sharply. Morris could see that the taxi had pulled in to the kerb a short distance away. Morris wanted to tell the driver what he thought of his driving, so he parked behind the taxi and approached the driver's door.

Morris pulled open the door and shouted abuse at the driver, whose name was Lemi. Lemi's passenger, Alicia, was shocked by Morris's behaviour and was afraid that he was going to attack both her and Lemi.

Lemi got out of the taxi to speak to Morris, but Morris thought that Lemi was going to hit him, so he punched Lemi in the face. Lemi was wearing glasses at the time and the force of the punch broke the glasses, cutting Lemi's face.

The police and an ambulance arrived. The police arrested Morris and the ambulance took Lemi to hospital. Lemi suffered lacerations to his face and a fractured cheekbone, which required surgery.

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

(25 marks)

Question 2

Josh had been having an affair with Fatima for three years. Fatima had decided to leave her husband, Ian, to go and live with Josh.

A couple of weeks before Fatima was due to tell Ian that she was leaving him, Ian won £3 million on the lottery. Fatima then told Josh that she had never really loved him and that she had used him as a way out of her marriage. She had now decided to stay with Ian.

Josh was devastated initially but his devastation turned to anger, when he thought about the way that Fatima had treated him.

Josh's friend Greg told Josh that Ian and Fatima had bought a rundown pub, which Ian was renovating while living there.

Josh was furious when Greg told him about the pub and he felt that he would like to kill Ian. Josh then decided to set fire to the pub owned by Ian and Fatima.

Josh put some petrol in a bottle, stuffed a rag in the neck of the bottle and then went to the pub. He lit the rag and threw the bottle into the pub, smashing a ground-floor window in the process. Josh then ran off without calling the fire brigade.

There was a lot of dry wood in the pub and the fire took hold quickly. By the time Ian realised that the pub was on fire, it was too late and he couldn't get out. Ian died in the fire.

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

(25 marks)

Turn over

Question 3

Belinda threw a party to celebrate the completion of her degree. Ellie and Kyle both attended the party but, unbeknown to Belinda, Kyle had brought some of his mother's anti-depressants with him which he was going to share with his friends.

Advise Belinda, Kyle and Ellie on any potential defences that may be available to them in the scenarios below.

a) When Belinda was not looking, Kyle slipped some anti-depressants into her glass of lemonade. After drinking her drink, Belinda started behaving erratically and shouted at everyone to leave. Gary went over to Belinda to check that she was alright and Belinda lashed out hitting Gary in the chest.

Belinda has been charged with battery contrary to s39 Criminal Justice Act 1988.

(8 marks)

b) Kyle also took some of the anti-depressants before leaving the party, he also drank 4 cans of strong cider. As he was walking home, he found a can of spray paint on the pavement, so he sprayed his name on a nearby garden wall.

Kyle has been charged with criminal damage contrary to s1(1) of Criminal Damage Act 1971.

(9 marks)

c) Ellie is a diabetic. She was rushing to get ready for the party and forgot to take her insulin. She did not drink any alcohol or take any drugs at the party.

During the confusion when Belinda was shouting at everyone to leave, Ellie started to feel very hot, confused and dizzy. She stumbled towards the door as she felt that she needed to get out in the fresh air.

On her way out, she pushed past Oliver causing him to fall and cut his hand on some smashed glass that was on the floor.

Ellie has been charged with wounding contrary to s20 of the Offences against the Person Act 1861.

(8 marks)

(Total: 25 marks)

Question 4

Danesh did not have a car, but he wanted to impress his new girlfriend when he took her out for their first date. He knew that his neighbour was away on holiday, so he decided to use his neighbour's car to take her out on the date.

That evening he went to his neighbour's house. The kitchen window was slightly ajar, so Danesh prised it open and climbed in. The car keys and a credit card were in the top drawer of the sideboard in the living room. Danesh took them both. He then let himself out of the front door.

As soon as he started the car, Danesh realised that it needed petrol, so he drove to the nearest petrol station. He filled up the car with petrol and tried to use the credit card to pay for it. The card was declined, as it had been used up to its limit.

Danesh then used his own money to pay for the petrol.

Advise Danesh of his potential criminal liability.

(25 marks)

End of Examination Paper

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