



## 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 2018-2019, 28th edition, Matthew Dyson, Oxford University Press, 2018.**
- 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 the potential impact of the observations of the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd (2017)* in respect of the requirement to prove dishonesty in respect of theft offences.

**(25 marks)**

2. The perceived similarities between the defences of diminished responsibility, insanity and automatism sometimes make it difficult to distinguish between them.

Critically evaluate the above statement.

**(25 marks)**

3. A vital ingredient, in an offence of attempt, is an intention by the defendant to commit a substantive offence.

Critically evaluate the above statement.

**(25 marks)**

4. Critically evaluate how successful the courts have been in defining the concepts of:

(a) intention;

**(16 marks)**

(b) recklessness.

**(9 marks)**

**(Total: 25 marks)**

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

**Question 1**

Aldo, Jackie and Simon were standing at the taxi rank, waiting for a taxi to take them home after a night out.

They were chatting to each other, when Toby came staggering up the road towards them. He appeared to be very drunk.

Toby asked Jackie for some money, so that he could buy some food and get a taxi home. He told her that he could not find his friends and thought that he had kept money to get home, but he had not.

She told him to go away. Toby then asked Simon for money. This angered Simon and he aggressively shouted at Toby 'Get lost, you stupid drunk'.

Toby seemed to be really angered by Simon's remark, but he turned around and it appeared as though he was going to walk away.

However, he then picked up a piece of broken glass off a wall and lunged at Simon with it. Simon ducked to the side and Toby made contact with Aldo. It was obvious that Aldo had been stabbed, as within seconds there was blood everywhere.

Simon phoned for the police and an ambulance.

Toby ran off towards the train station.

The ambulance arrived very quickly but it was too late; Aldo was pronounced dead at the scene.

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

**(25 marks)**

**Turn over**

## Question 2

(a) Farouq needed money to buy drugs, so he decided to break into Bella's house, with the intention of stealing something of value that he could sell to raise cash.

He smashed a downstairs window to enter Bella's home, while she was at work. After having a good look around, he could not find anything to sell, so he left Bella's house empty-handed.

As he was walking away from Bella's house, Farouq could hear Colin out in his back garden, talking to his neighbour.

He decided to try and open Colin's front door and it was unlocked. He could see Colin's wallet on the windowsill beside the door, so he reached his hand in, took the wallet, shut the door and walked away.

Advise Farouq of his potential criminal liability.

**(12 marks)**

(b) Deena has recently left university after completing a degree.

A couple of weeks ago, she went to visit an elderly aunt, Harriet, who has recently been diagnosed as having early dementia. Harriet gave Deena a cheque for £20,000, which she told Deena was to be used to help her get a start in life. Harriet told Deena to use the money to sort out her finances and put the money towards a deposit on a house.

Deena, who has a student loan and credit cards, banked the cheque and then used £6,000 of the money to pay off her credit cards.

Harriet's daughter Una, who is Deena's cousin, was very upset when she discovered that her mother had given such a large sum of money to Deena. Una claims that Deena must have stolen the £20,000.

Advise Deena of her potential criminal liability.

**(13 marks)**

**(Total: 25 marks)**

### **Question 3**

Ollie had been invited to Verity and Paul's wedding as a guest. Ollie had expected to be Paul's best man, as Paul was Ollie's best man when he got married, so he was rather annoyed that he had been invited as a guest only.

At the wedding, Ollie was shocked to see that Kemal was Paul's best man, as Paul had only known Kemal for a short while.

As the day went on, Ollie became more and more annoyed about the situation. Ollie was not drinking alcohol at the wedding, as he was on antibiotics for an ear infection. He developed a painful headache and asked if anyone sitting at his table had any painkillers.

A lady, who Ollie did not know, gave him some prescription painkillers, which he took with water. Within minutes of taking the painkillers, Ollie began to feel disorientated and agitated.

A short time later, after the speeches had finished, Ollie felt that he had to go and speak to Paul. They had an argument and Ollie punched Paul in the face, causing him to fall over, and Paul's nose was bleeding. Kemal saw what had happened and came over to intervene. Ollie seemed to be in shock and just stood there looking at Paul, who was still on the floor. Kemal forcefully pushed Ollie, causing him to fall back onto a table, smashing some glasses as he fell.

Ollie sustained a deep gash to his wrist, which required internal and external stitching. Paul sustained a bloody nose, but it was not broken.

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

**(25 marks)**

**Turn over**

#### Question 4

(a) Millie had taken her two children, Xavier (aged 10) and Robert (aged 6), swimming. Xavier's friend Gavyn (aged 10) was also going swimming with them.

When they got into the swimming pool, Xavier and Gavyn offered to take Robert with them, as Millie had seen a friend, Inga, who she was chatting to. They promised not to take Robert into the deep water, as he was not a strong swimmer.

Millie chatted to Inga for a while and then told Inga that she was going to check on the children. Millie could see Gavyn and Xavier, but she could not see Robert anywhere. She swam over to Xavier and asked him where Robert was. Xavier said that Robert had told him that he was going back to find her.

Millie panicked and started calling Robert's name. Robert was found, face down, floating in the water near an unattended lifeguard's chair. Ellie, the lifeguard, had gone to the toilet and had not arranged for anyone to cover her area before she went. This was a breach of her terms of employment. Lloyd, a member of the public, was at the pool that day with his family. He saw Robert flailing his arms around, but thought he was playing, so did not approach him.

Robert was taken to hospital but later died, as his lungs were too full of water.

Advise Millie, Ellie and Lloyd of their potential criminal liability in relation to Robert.

**NOTE: You are not required to consider any defences that may be available to the parties.**

**(10 marks)**

(b) Millie went back to the swimming pool after Robert's death for a meeting with the management team. On her way into the building, she saw Ellie chatting and laughing with a male colleague. Millie blamed Ellie for Robert's death.

Millie walked over to Ellie and punched her once in the face. Ellie was caught off guard, lost her footing and fell heavily, hitting her head on the floor. Millie then walked away.

An ambulance was called, as Ellie did not regain consciousness. In the ambulance, a trainee paramedic called Nia was told to commence CPR and place an oxygen mask on Ellie. Nia, who was not being supervised at the time, did not carry out CPR correctly and forgot to put the oxygen mask on Ellie.

Ellie died in the ambulance.

Advise Millie and Nia of their potential criminal liability in relation to Ellie.

**NOTE: You are not required to consider any defences that may be available to the parties.**

**(15 marks)**

**(Total: 25 marks)**

**End of Examination Paper**

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