



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. The Fraud Act 2006 has improved the law in relation to fraud and deception offences by replacing the complicated deception offences under the Theft Acts 1968 and 1978 with a single offence of fraud.

Critically evaluate the above statement.

(25 marks)

2. (a) Critically evaluate whether the defence of insanity is outdated and in need of reform.

(13 marks)

(b) Critically evaluate whether the law in relation to voluntary intoxication, in its current form, is fit for purpose.

(12 marks)

(Total: 25 marks)

3. The law relating to the defence of consent in relation to non-fatal offences is vague and has led to inconsistent decisions in the courts.

Critically evaluate the above statement.

(25 marks)

4. In order for a crime to be complete, the *Actus Reus* and *Mens Rea* must be in existence at the same time.

Critically evaluate the above statement.

(25 marks)

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

Question 1

Carlos had recently been evicted from his flat and was living on the streets. One wet afternoon, he was walking towards the park, when he passed the church. He decided to go in, so that he could avoid the rain for a while and dry off.

The door was open but the church appeared to be empty, so he decided to have a look around. There was a door at the back of the church. On the door there was a notice, which read 'PRIVATE – church staff only beyond this point'. Carlos tried the door handle and the door opened.

He checked that no one was around and went inside. There was a desk in the middle of the room, and on the desk was a briefcase. Carlos shook the briefcase and could hear a rustling noise, which he thought must be money. The briefcase was locked, so he tried to open it with a letter opener to take the money, but could not get it open. Carlos did not know that the briefcase only contained the vicar's sermon for Sunday. There was no damage caused to the briefcase.

Carlos went back out into the church and saw a collection box on a table just inside the entrance to the church. He shook it and could hear money rattling around inside. He put the collection box inside his jacket and was just about to leave, when the vicar's wife, Frances, came in.

She saw the bulge in Carlos's jacket and said: 'What do you think you are doing?'. Carlos panicked and pushed Frances out of the way, so that he could get out of the church. Frances slipped on the wet floor and fell against the table.

Frances suffered no visible injury as a result of her fall, and Carlos escaped with the collection box.

Advise Carlos of his potential criminal liability for any offences committed.

NOTE: You are not required to consider any potential defences that may be available to Carlos.

(25 marks)

Turn over

Question 2

Zsanett and Ryan had recently split up, after being in a relationship for seven years. Zsanett was on a night out with her friends, when she saw Ryan with his friends in the pub. He was drunk and started an argument with her. She was upset, so she went home.

Later that evening, Ryan turned up at Zsanett's house, shouting for her to let him in. She did not want him to disturb the neighbours, so she let him in.

Ryan accused Zsanett of having a man there. She told him that she did not have a man in the house but, in temper, Ryan threw a lamp against the wall, smashing it into pieces.

Zsanett was scared of what Ryan might do to her, so she ran towards the front door. Ryan caught her by her hair and then he grabbed her by the throat and pushed her against the wall. Zsanett screamed for help and then passed out. She fell to the floor and hit her head on the bottom stair as she fell.

Zsanett's neighbour, Kassie, heard Zsanett shout for help and rushed to her aid. Kassie could see Zsanett on the floor with Ryan standing over her, so she jumped on Ryan's back and started hitting him. Ryan threw Kassie off his back and then punched her hard in the face. She fell to the ground.

Kassie had phoned the police prior to going to Zsanett's house and she told Ryan that she had done so. Ryan ran off, before the police arrived.

Zsanett suffered a fractured skull and died three days later in hospital. Kassie suffered severe bruising to her cheekbone.

Advise Ryan of his potential criminal liability for any offences that may have been committed.

NOTE: You are not required to consider any potential defences that may be available to Ryan.

(25 marks)

Question 3

- (a) One evening, after a couple of drinks in the pub, Gary confided in Ollie that he was bisexual and that he was petrified that his wife, Helga, would find out. He feared that if she found out, she would leave him and take their children with her.

Ollie owed £3,000 to a local loan shark and was under pressure to pay him back. He threatened to tell Helga Gary's secret, unless Gary gave him £3,000 by the end of the week.

Gary was terrified that Ollie would carry out his threat and he would lose his wife and children. The following day, Gary took a sharp knife from his kitchen and went to the local post office. Gary threatened to stab the employee behind the counter, if she did not give him at least £3,000. The employee gave Gary £3,000 from the till. Gary gave the money to Ollie.

Gary has been charged with robbery.

Advise Gary on any potential defences that may be available to him.

(8 marks)

- (b) Tomasz was recently subject to a violent street robbery, which left him badly shaken and very panicky. One night, after an evening out, he was walking home late. He heard someone approaching him from behind. He turned around and saw someone in a hooded top running towards him.

Tomasz thought he was going to be assaulted and/or robbed again, so he punched the person hard in the face, causing them to fall and hit their head, knocking them unconscious. The person turned out to be Tomasz's partner Annie, who was out for a run as she could not sleep. Annie suffered a serious head injury as a result of the assault.

Tomasz has been charged with inflicting grievous bodily harm contrary to s.20 of the Offences Against the Person Act 1861.

Advise Tomasz on any potential defences that may be available to him.

(9 marks)

- (c) Verity is a type 1 diabetic and self-administers insulin. She is aware of the importance of checking her blood sugar and of eating regularly. One evening, prior to going to the pub, she administered her insulin, but did not bother to eat anything. As she was leaving the pub, Verity tripped. Iwan caught her and saved her from falling. Verity punched Iwan. Verity had not drunk any alcohol.

Verity has been charged with battery contrary to s.39 of the Criminal Justice Act 1988 (CJA).

Advise Verity on any potential defences that may be available to her.

(8 marks)

(Total: 25 marks)

Turn over

Question 4

Mia's boss, Julian, had never liked her. He had bullied Mia since she started work for Kempston's Solicitors two years earlier. Julian was a senior solicitor and Mia was an office junior, so she did not report his behaviour, as she thought that no one would believe her and she might lose her job.

Mia had recently taken a couple of months off work, as she was suffering with depression and anxiety. On her return to work, Julian started verbally abusing her. Mia thought she could cope, as she was still taking medication to control her depression and anxiety.

One evening, Mia went for a drink after work with her work colleagues, as it was Will's birthday. When they got to the pub, Julian was there and he kept smirking at Mia, which made her feel uncomfortable.

After one non-alcoholic drink, Mia said that she was going home. Julian followed Mia out of pub and started taunting her as she walked down the street. Mia ignored him for a while, but then she snapped and turned around and started shouting and pointing her finger at him. Julian initially started to back away, as he was surprised by Mia's reaction.

Julian then started to walk towards Mia. She picked up a large shard from a broken glass bottle that was lying on the pavement and she plunged it with force into Julian's thigh.

Mia severed Julian's femoral artery and it only took a few seconds for him to bleed to death. Mia immediately called an ambulance, but she knew it would not make any difference, as Julian was already dead.

Mia has been charged with murder. Advise Mia on any potential defences that may be available to her.

NOTE: You are not required to consider any criminal offences that may have been committed by Julian.

(25 marks)

End of Examination Paper

BLANK PAGE

BLANK PAGE