



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 3 – CRIMINAL LAW*

Time allowed: 1 hour and 30 minutes 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.
- **This question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios from Section B ONLY.**
- Write in full sentences – a yes or no answer will earn no marks.
- 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 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

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SECTION A

(Answer ALL questions in Section A)

1. Define the *mens rea* for murder. **(2 marks)**

2. Identify the **five** elements required to prove gross negligence manslaughter. **(5 marks)**

3. Define the *actus reus* of theft. **(3 marks)**

4. Identify the elements required to prove arson. **(3 marks)**

5. Define what is meant by 'direct intention' and 'oblique intention' in relation to *mens rea*. **(2 marks)**

6. Define what is meant by 'intention to permanently deprive', as set out in s.6 of the Theft Act 1968. **(3 marks)**

7. Define the *mens rea* of criminal attempt. **(2 marks)**

8. Explain the defence of self-defence, as set out in s.76 of the Criminal Justice and Immigration Act 2008. **(4 marks)**

9. Define 'factual causation'. **(3 marks)**

10. Define 'strict liability' and identify **one** area of activity regulated by strict liability. **(3 marks)**

(Total marks for Section A: 30 marks)

Turn over

SECTION B

(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)

Scenario 1

Penny found out from a trusted friend that her lodger, Balki, was having an affair with Penny's boyfriend, Alex. Penny confronted Balki about the affair and they argued, during which Penny told Balki that she wanted her to move out the following day.

The next day, when Penny was at work, Balki packed her belongings into bags. She then called Alex and asked him to come and pick her up. After putting her belongings into Alex's car, Balki decided to teach Penny a lesson. She opened a savings tin that Penny kept in her room, intending to take the money that was inside. When she opened the tin, it was empty. Penny had paid the money into the bank the day before.

Balki then hung Penny's favourite dress from a tree in the front garden and set fire to it, destroying it. As Balki was getting into Alex's car to leave, Penny returned home from work and could see that her dress was ruined.

The following day, after drinking four large glasses of wine, Penny walked round to Alex's flat to tell Balki and Alex what she thought of them. There was no answer at the flat, but Alex's car was in the car park. Penny had her own set of keys for Alex's car, so she got inside the car and opened the bonnet. She then cut the brake cables with a penknife that Alex kept in the car. Penny locked the car and walked home.

The next day, Alex was driving to work. He slowed down for a red traffic light, but when he put his foot on the brake, nothing happened. The car swerved and crashed into a wall. Alex was not injured.

Scenario 1 Questions

1. In relation to the money in the savings tin:
 - (a) identify the offence and the elements of the offence with which Balki may be charged;
(6 marks)
 - (b) explain how the elements of the offence may apply to Balki;
(4 marks)
 - (c) explain whether it matters that there was nothing in the savings tin at the time of the offence.
(4 marks)**(Total: 14 marks)**

 2. In relation to Penny's favourite dress:
 - (a) identify the offence and the elements of the offence with which Balki may be charged;
(6 marks)
 - (b) explain how the elements of the offence may apply to Balki.
(4 marks)**(Total: 10 marks)**

 3. In relation to cutting the brake cables in Alex's car:
 - (a) identify the offence and the elements of the offence with which Penny may be charged;
(6 marks)
 - (b) explain how the elements of the offence may apply to Penny.
(4 marks)**(Total: 10 marks)**

 4. In relation to the offence identified in Question 3 above, describe the defence that may be available to Penny and explain whether it is likely to be successful.
(6 marks)
- (Total marks for Scenario 1: 40 marks)**

Turn over

Scenario 2

Mandy and Steffan had been married for 10 years. They had two children, aged 8 and 6.

When he was sober, Steffan was a loving husband and father. However, when he had been drinking alcohol, Steffan took pleasure in mentally and verbally abusing Mandy and demeaning her in front of others. On a few occasions, he had also physically assaulted her.

One evening, when Steffan came home from the pub drunk, he immediately started verbally abusing Mandy and calling her insulting names. She picked up his favourite lead crystal snooker trophy and told him that she would hit him with it, if he didn't shut up.

He just laughed at her, so Mandy threw the trophy against the wall, smashing it. Steffan then fell asleep on the sofa.

Mandy was so distressed that she went to the kitchen and picked up a carving knife from the knife block. As she stood over Steffan with the knife poised, he woke up. She was so afraid of what he might do to her, that she brought the knife down into his chest and stabbed him a number of times, until she realised he was dead.

She called the police and an ambulance immediately.

Scenario 2 Questions

1. In relation to the lead crystal snooker trophy:
 - (a) identify the offence and the elements of the offence with which Mandy may be charged;
(6 marks)
 - (b) explain how the elements of the offence may apply to Mandy.
(4 marks)
(Total: 10 marks)

2. In relation to the death of Steffan:
 - (a) identify the offence and the elements of the offence with which Mandy may be charged;
(6 marks)
 - (b) explain how the elements of the offence may apply to Mandy.
(4 marks)
(Total: 10 marks)

3. In relation to the offence identified in Question 2 above:
 - (a) identify the **two** statutory **partial** defences available for the offence;
(2 marks)
 - (b) describe which partial defence Mandy may be able to rely on;
(8 marks)
 - (c) explain whether this defence is likely to be successful and why;
(5 marks)
 - (d) explain which offence Mandy would be convicted of, if the partial defence is successful;
(4 marks)
 - (e) identify the offence that Mandy will be convicted of, if the partial defence is not successful.
(1 mark)
(Total: 20 marks)

(Total marks for Scenario 2: 40 marks)

Turn over

Scenario 3

Jack had been for a run and was on his way home. He had drunk all of his water but was too thirsty to wait until he got home for a drink, so he went into a local supermarket to buy a drink. He discovered that he did not have enough money, but he was so thirsty that he just took a drink anyway and left the shop without paying.

The security guard, Darren, had been watching Jack. As soon as Jack left the shop, Darren told him to stop and to return to the shop with him. Jack ran away from Darren, and Darren chased after him.

Yusuf was walking home, and he saw Jack running towards him. Jack was being followed by Darren, who was shouting for someone to stop Jack, as he was a thief.

Yusuf stuck out his foot to trip Jack up. Jack stumbled over Yusuf's foot, but pushed Yusuf out of the way and kept on running. Yusuf fell awkwardly and hit his head on the kerb. Yusuf was knocked unconscious and suffered a brain haemorrhage.

Darren immediately phoned for an ambulance, but it took 15 minutes to arrive.

By the time Yusuf got to hospital, his condition was critical and he was placed on a life support machine. However, he was soon responding well to treatment, and although he was still on the life support machine, he was expected to make a full recovery.

A number of junior doctors accompanied the consultant on his rounds the next day. As they moved away from Yusuf's bed, the cleaner asked one of the junior doctors, Ulla, to unplug her vacuum cleaner. Ulla inadvertently unplugged the life support machine, and Yusuf subsequently died.

Scenario 3 Questions

1. In relation to the drink:

(a) identify the offence and the elements of the offence with which Jack may be charged;

(6 marks)

(b) explain how the elements of the offence may apply to Jack.

(4 marks)

(Total: 10 marks)

2. In relation to the death of Yusuf:

(a) identify the offence and the elements of the offence with which Jack may be charged;

(6 marks)

(b) explain how the elements of the offence may apply to Jack;

(4 marks)

(c) identify the offence and the elements of the offence with which Ulla may be charged;

(6 marks)

(d) explain how the elements of the offence may apply to Ulla;

(4 marks)

(e) explain whether Jack and/or Ulla have caused Yusuf's death.

(10 marks)

(Total: 30 marks)

(Total Marks for Scenario 3: 40 marks)

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