



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. Identify the **three** elements that can make up the *actus reus* of a criminal offence.
(3 marks)
2. Define what is meant by a 'thing in action' as set out in s.4 of the Theft Act 1968 and provide **one** example of a 'thing in action'.
(2 marks)
3. Explain the test for recklessness.
(3 marks)
4. Identify the requirements for the defence of lawful excuse as set out in s.5 of the Criminal Damage Act 1971.
(3 marks)
5. Explain the difference between voluntary manslaughter and involuntary manslaughter.
(3 marks)
6. Define what is meant by a qualifying trigger in relation to s.55 of the Coroners and Justice Act 2009.
(4 marks)
7. Identify:
 - (a) **two** arguments in favour of strict liability;
(2 marks)
 - (b) **two** arguments against the imposition of strict liability.
(2 marks)**(Total: 4 marks)**
8. Explain the difference between duress by threats and duress of circumstances.
(2 marks)
9. Define the *actus reus* of criminal attempt.
(3 marks)
10. Explain whether involuntary intoxication can provide a defence to a criminal offence.
(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

Desmond was drunk, because he had been in the pub drinking beer all afternoon.

At around 10 pm, Desmond stumbled to the bar to get another drink. Simon, the landlord, told Desmond that he had already had more than enough to drink and that he wasn't going to serve him any more beer.

Desmond told Simon that he would go and drink somewhere else. Simon said goodnight to Desmond and told him that he could come back the following day.

Desmond was really angry that Simon wouldn't serve him and he wanted to teach him a lesson.

While Desmond was waiting in the car park for the pub to close, he picked up a brick and threw it at a car belonging to one of the customers, making a dent in the bonnet of the car.

Desmond waited until the pub had closed and he thought everyone had gone home. He put some petrol in a bottle, and then stuffed a rag in the neck of the bottle. He then lit the rag and threw the bottle towards the ground-floor window of the pub. The bottle smashed the window, landed inside the pub and burst into flames. The fire spread quickly. Desmond then ran off, without calling the fire brigade.

Desmond was unaware that Simon was still in the pub cellar, changing beer barrels ready for the following day.

Simon came up the stairs from the cellar into the pub. He grabbed the nearest fire extinguisher and tried to put out the fire. Simon tried to make his way to the door, but the fire and smoke were too intense. Simon lost his bearings and was overcome by smoke and died. The fire also caused extensive damage to the pub.

Scenario 1 Questions

1. In relation to the car bonnet:

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

(6 marks)

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

(4 marks)

(Total: 10 marks)

2. In relation to the damage caused to the pub:

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

(9 marks)

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

(5 marks)

(Total: 14 marks)

3. In relation to the death of Simon:

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

(6 marks)

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

(4 marks)

(Total: 10 marks)

4. Describe the defence that may be available to Desmond and explain whether it is likely to be successful, in relation to the offences in Questions 1, 2 and 3 above.

(6 marks)

(Total Marks for Scenario 1: 40 marks)

Turn over

Scenario 2

Claire is a care assistant. She provides daily care to residents who live in a retirement home. Claire owes £2,000 to Teshwara, a local money lender.

Teshwara told Claire that he wanted the £2,000 back by the end of the week or the amount owed would increase to £3,000. Claire was very worried, as she did not have the money to pay Teshwara.

Claire decided to see if any of the residents of the retirement home had any money or anything of value that she could sell to repay her debt to Teshwara.

The next day, Barbara, one of the residents, asked Claire if she would withdraw £150 from Barbara's account, as she needed to pay some bills. Barbara gave Claire her bank card and told her the PIN number.

When Claire inserted Barbara's bank card at the cashpoint, she saw that Barbara had £1,500 in her bank account. Claire withdrew £500. She kept £350 for herself and gave Barbara her bank card and the £150 that she had asked for.

Later that day, Claire went to Walter's bedroom, as it needed cleaning. Walter was downstairs in the dayroom. While Claire was cleaning Walter's bedroom, she looked around for money or anything of value that she could sell. She saw a jewellery box, opened it and started looking at the jewellery, to see which pieces were the most valuable ones to take.

Walter came back unexpectedly and caught Claire about to take some jewellery from his jewellery box. He asked her what she was doing. Claire tried to get past Walter, but he grabbed her arm. She panicked, because she thought that Walter was going to hit her. She grabbed Walter's scarf off the back of a chair and wound it around his neck, pulling it tightly. Walter struggled and then went limp. Claire thought she had killed Walter, and she ran off without calling for help.

In fact, Walter was not dead, but had just become unconscious. He regained consciousness almost immediately and then called for help.

Scenario 2 Questions

1. Claire has been charged with theft of the £350.
 - (a) Identify the elements of the offence with which Claire has been charged.

(6 marks)
 - (b) Explain how the elements of the offence apply to Claire.

(4 marks)
(Total: 10 marks)

2. In relation to the jewellery:
 - (a) identify the offence and the elements of the offence with which Claire may be charged;

(6 marks)
 - (b) explain how the elements of the offence may apply to Claire.

(4 marks)
(Total: 10 marks)

3.
 - (a) Explain the defence that may be available to Claire in relation to Questions 1 and 2.

(6 marks)
 - (b) Explain whether Claire could rely on this defence in relation to Questions 1 and 2.

(4 marks)
(Total: 10 marks)

4.
 - (a) Identify and define the defence available to Claire in respect of her assault on Walter.

(7 marks)
 - (b) Explain how this defence applies to Claire and whether it is likely to be successful.

(3 marks)
(Total: 10 marks)

(Total Marks for Scenario 2: 40 marks)

Turn over

Scenario 3

Justin had suspicions that his wife, Mei, was having an affair. One day, Justin pretended to go to work and when Mei left the house, he followed her. She went to a local coffee shop and came out with a woman, who Justin did not recognise. He then followed them to a local hotel.

When they had left the reception to go to a room, Justin went in and asked Abby, the receptionist, which room they had booked. Abby refused to tell Justin, so he pulled a large knife out of the waistband of his trousers and threatened her with it. She told him that she was going to call the police, so Justin stabbed her in the abdomen. Abby fell to the floor. Justin checked the hotel register and could see that Mei and the woman had gone to room 504 on the 5th floor.

Justin was furious. He went up to the 5th floor and banged on the door of room 504. He shouted that he had a knife and was going to kill both of them. Mei's girlfriend, Kate, forgot that they were on the 5th floor and she jumped out of the window to escape, because she believed Justin's threat. Kate died from her fall.

Mei opened the door and Justin barged in, looking for Kate. Mei laughed at him and told him that Kate had jumped out of the window to escape. Justin turned towards Mei and stabbed her once through her heart, killing her instantly. When the police arrived, they arrested Justin.

Abby, the receptionist, was taken to hospital and her stab wound was stitched. The doctor believed that her injury was not life threatening. However, the knife had damaged one of Abby's internal organs, but this was missed by the doctor. Abby later died from internal bleeding.

Scenario 3 Questions

1. (a) In relation to the deaths of Abby and Kate, identify the offence and the elements of the offence with which Justin may be charged. **(6 marks)**

- (b) In relation to the death of Abby, explain how the elements of the offence apply to Justin. **(4 marks)**

- (c) In relation to the death of Kate, explain how the elements of the offence apply to Justin. **(4 marks)**

(Total: 14 marks)

2. In relation to the deaths of Abby and Kate:

- (a) explain what is required to establish factual and legal causation; **(6 marks)**

- (b) explain whether the medical treatment Abby received broke the chain of causation; **(4 marks)**

- (c) explain whether Kate jumping out of the window broke the chain of causation. **(4 marks)**

(Total: 14 marks)

3. In relation to the death of Mei:

- (a) describe which partial defence Justin may be able to rely on; **(8 marks)**

- (b) explain whether this defence is likely to be successful and why.

(4 marks)

(Total: 12 marks)

(Total Marks for Scenario 3: 40 marks)

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