



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 2019-20, 29th edition, Matthew Dyson, Oxford University Press, 2019.**
- 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 amendment to the defence of diminished responsibility, introduced by the Coroners and Justice Act 2009, greatly clarifies and improves the law in this area.

Critically evaluate the above statement.

(25 marks)

2. (a) The offence of burglary seeks to protect individuals as well as the protection of property.

Critically evaluate the above statement.

(10 marks)

- (b) Critically evaluate the position taken in criminal law in respect of consent to the deliberate infliction of harm.

(15 marks)

(Total: 25 marks)

3. The legal principles relating to the chain of causation and a *novus actus interveniens* in result crimes against the person are unsatisfactory.

Critically evaluate the above statement.

(25 marks)

4. (a) Critically evaluate the way in which strict liability is used in criminal law and whether its use is justified.

(15 marks)

- (b) Critically evaluate the meaning of intention in criminal law.

(10 marks)

(Total: 25 marks)

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

Question 1

Alex and Bilpa met through a dating agency and had been chatting online for a couple of weeks. They agreed to meet one evening in a pub in town.

When Alex arrived at the pub, he was annoyed to find that Bilpa was already there and was flirting with the barman, Chaz. Bilpa explained to Alex that Chaz was her ex-boyfriend, but they still got on well.

During the evening, Alex drank several pints of beer and Bilpa drank several vodkas. Alex was jealous of Chaz, and when he went to the bar to order more drinks, an argument started between him and Chaz about Bilpa. It caused such a disturbance that both Alex and Bilpa were asked to leave the pub.

Alex was so annoyed that Chaz had spoilt his evening with Bilpa that he picked up a large stone from the ground, which he threw at the window of the shop next door to the pub, causing the window to smash.

Bilpa recognised Chaz's motorbike, which was parked in the pub car park. She picked up a broken bottle and cut the brake cable.

A few days later, Chaz saw Alex in town. Chaz strode towards Alex, as he wanted to speak to him about Bilpa. Alex thought Chaz might believe he was responsible for cutting the brake cable and was frightened that Chaz was going to assault him. Alex punched Chaz, who fell to the ground. Alex then repeatedly banged Chaz's head against the pavement. Chaz was taken to hospital with a gaping head wound, which required stitches, and a fractured skull. Alex had no visible injuries.

Advise Alex and Bilpa of their potential criminal liability, together with any defences that may be available to them.

(25 marks)

Turn over

Question 2

(a) Erin was a paralegal assistant in a large solicitor's firm. She was saving up to get married but, as she didn't earn very much, it was taking her a long time.

François, a senior solicitor in the firm, gave Erin the details of a debit card belonging to Martin, a client. François asked Erin to use the card details to make a payment of £5,000 into the firm's client account, to pay for some work that François had recently completed for Martin.

Erin instead used Martin's debit card details to pay £5,000 off her personal credit card.

Later that day, when Erin was on her way to the bus stop, she noticed a credit card wallet on the pavement. She picked it up and saw that it contained a free bus pass. As there was no photo on the pass, and the name on the pass was female, she decided to use it to catch the bus home.

Advise Erin of her potential criminal liability.

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

(19 marks)

(b) Derek decided to apply for life insurance. While completing the insurance policy application online, Derek decided not to inform the company that his family has a history of heart disease and that he, himself, had had a minor heart attack a couple of years earlier. In fact, he signed a declaration to say that he did not have any health problems at all.

Advise Derek of his potential criminal liability.

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

(6 marks)

(Total: 25 marks)

Question 3

Hans told Ivan that he would pay him £10,000, if Ivan stole a valuable diamond necklace from Hans's grandmother, Mari, who lived in a local care home.

Ivan agreed to steal the necklace, and Hans told him where to find it in Mari's room.

Later that evening in the pub, Ivan told Jon about the 'job' that he had agreed to do for Hans, and he asked Jon if he wanted to help him. Jon agreed to help Ivan, by acting as a lookout.

The next evening, when it was dark, Ivan and Jon met to go to the care home. Jon had thought about things overnight, and he told Ivan that he had changed his mind. He left Ivan and went home.

Ivan used a crowbar to open the window of Mari's room, without causing any damage, but before he could get any part of his body into the room, he heard the care assistant opening the door to come into the room.

He shut the window and waited for the care assistant to go, before trying again. This time, he climbed all the way in. As he was retrieving the necklace from the drawer, Mari woke up, got out of bed and shouted 'Oi, what are you doing?'

Ivan ran over to the window, climbed out and ran away with the necklace.

Advise Hans, Ivan and Jon of their 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 Hans, Ivan or Jon.

(25 marks)

Turn over

Question 4

Kiki suffers with severe mental health issues. She has to take medication daily, to control the condition. Kiki knows that it can be dangerous for her not to take her medication, as her behaviour becomes unpredictable.

Kiki recently went to a wedding with her friend Lester, but forgot to take her medication before she went. She did have a small glass of champagne at the wedding, but did not drink any other alcoholic drinks.

During the evening, Kiki's behaviour became more and more erratic and she believed that everyone at the wedding was an alien, who was trying to kidnap her.

Lester tried to calm her down, but Kiki lunged towards him with a knife in her hand, which she had hidden in her handbag after the afternoon reception.

Lester ducked out of the way and Kiki stabbed another guest, Norman, in the chest. The knife punctured Norman's heart and he died instantly.

Advise Kiki of her potential criminal liability, together with any defences that may be available to her.

(25 marks)

End of Examination Paper

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