



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 2019-2020, 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. (a) Critically evaluate whether the defences under s.5 of the Criminal Damage Act 1971 (CDA) are fit for purpose.

(15 marks)

- (b) The law in relation to entry in burglary is ambiguous and has led to inconsistent decisions.

Critically evaluate the above statement.

(10 marks)

(Total: 25 marks)

2. The meaning and scope of the defence of insanity are in urgent need of legislative overhaul.

Critically evaluate the above statement.

(25 marks)

3. Critically evaluate the extent to which the law recognises liability for an omission to act.

(25 marks)

4. Critically evaluate the importance of the role of *mens rea* when establishing criminal liability for homicide offences.

(25 marks)

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

Question 1

On her way home from work, Selena called in to her local supermarket to buy something for dinner and some wine. While she was looking at the wines, her phone rang. She looked at the caller ID and it was her friend, Maura.

Maura had rung to tell Selena that a parcel that Selena had ordered had arrived that day. It had been delivered to Maura's house. Selena carried on talking to Maura, while looking at a particular bottle of wine. She distractedly put the bottle of wine in her shopping bag instead of in the trolley.

Selena asked if she could collect the parcel from Maura on her way home, as she needed it for the next day. Maura replied that she had to go to work, but she would leave it in the shed for Selena to collect.

Selena then paid for her shopping but forgot about the bottle of wine that she had put in her bag and left without paying for it.

On her way to the car, Selena remembered that she needed to withdraw some money from the cashpoint. When she opened her purse, she realised that she had come out with her partner's bank card instead of her own. He was called Omar. Selena used Omar's bank card to withdraw cash from his bank account, instead of withdrawing money from her own bank account. She did not think that he would mind, as he had given her permission to use his bank card in the past.

When Selena reached Maura's house, she went straight round to the back of the house to the shed. She looked through the window and could see her parcel on top of a tool cabinet. She tried the door, but it was locked.

She needed her parcel and Maura had gone to work, so Selena broke the shed window so that she could reach in and take the parcel. Selena did not think that Maura would mind that she had broken the shed window. She planned to text Maura and offer to pay for a new window.

When Selena got home, she unpacked her shopping and realised that she hadn't paid for the wine. She decided not to go back to the store to pay for it.

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

(25 marks)

Turn over

Question 2

Jem was a Kempston Town Football Club supporter. He was on his way to the football stadium to watch a match with Bedford United Football Club. Jem and his friends called in to their local pub, The Kempston Arms, to have a drink before the match.

They were standing in a group, drinking and talking, when another group of fans came in. They were Bedford United fans. They also bought drinks and went and stood alongside Jem and his friends. After a couple of minutes, the Bedford United fans started pushing into Jem and his friends and making comments towards them. A couple of Jem's friends retaliated and a full-scale fight broke out.

The landlord, Colwyn, came out from behind the bar and told all of them that they had to leave the pub. One of the Bedford United supporters, Kobi, swung a punch towards Colwyn. The punch connected with Colwyn's jaw and it hit him with such force that he lost his footing and fell to the floor, hitting his head on the stone floor as he fell.

Colwyn was unconscious. Kobi and the other Bedford United supporters then left the pub quickly before the police arrived. Jem and his friends waited with Colwyn until the ambulance and the police arrived. Colwyn was taken to hospital.

At half-time, it was announced at the stadium that Colwyn had died and the police were appealing for any witnesses to the incident to report to Kempston Police Station.

When the match finished, Jem left the football ground and walked home alone. Jem did not realise that he was being followed by Kobi. When Jem turned into a quiet street, Kobi approached him and asked him what he had told the police. Jem said that he hadn't said anything.

Jem started to walk away from Kobi, but Kobi grabbed him by the arm. Jem turned back towards Kobi and then felt a sharp pain in his stomach. Jem thought he had been punched. He instinctively put his hand to his stomach and felt a wound, which was bleeding a lot. He had been stabbed.

Jem fell to the ground and Kobi ran off. Jem died within minutes of being stabbed.

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

[NOTE TO CANDIDATES: You are NOT required to consider any potential defences that may be available to Kobi.]

(25 marks)

Question 3

Villa had been practising karate for a few months. He went to the pub one evening with his college friends, Wayne and Tahlia. After consuming a large amount of strong cider, they all went back to Wayne's flat.

Tahlia asked Villa to show them some karate moves. Villa asked Wayne to stand up, which he did. Villa then grabbed Wayne in a bear hug and wrestled him to the ground, where he stood on Wayne's wrist and kept hold of Wayne's other arm so that he could not move. Wayne was shouting at Villa to get off, as his wrist was really hurting. Villa just laughed and stayed there for a few minutes, before letting Wayne go.

Almost immediately, Wayne's wrist become very swollen and it was clear that he could not move it. He told Villa to leave and then called an ambulance. Wayne had broken the main bone in his wrist and a number of small bones in his hand. The doctors, at the hospital, told Wayne that he would be in plaster for about two months.

The next day, Wayne was in college. He was walking along one of the corridors with Tahlia, when Villa came walking towards him. Villa didn't say anything, but he moved towards Wayne as if to give him a bear hug. Wayne was afraid that Villa might grab him and push him to the ground again, so he thrust his plastered arm forward and hit Villa in the face.

Advise Villa of his potential criminal liability together with any defences that may be available to him.

[NOTE TO CANDIDATES: You are NOT required to consider any potential offences committed by Wayne.]

(25 marks)

Turn over

Question 4

Arnie

Arnie had suffered a blow to the head while playing rugby. After being assessed by his coach, he was told to attend A&E.

Arnie did not go to A&E. The next day, he decided not to go to work, as he was experiencing dizzy spells and had a severe headache.

His daughter, Zara, who suffered from depression, had been out of work for a number of months and was due to attend a job interview that day. She asked Arnie for a lift, as she was running late. Arnie said that he didn't think he should drive, but Zara threatened to kill herself if she could not get to the interview.

Arnie felt he had no choice, even though he was continually suffering pains in his head and dizzy spells. While he was driving Zara to the interview, Arnie suffered a really bad dizzy spell, during which he lost control of the car and hit a lamp post, damaging it. No one was injured.

Arnie has been charged with careless driving.

(a) Advise Arnie of the potential defence(s) that may be available to him.

(8 marks)

Franz

Franz has recently found out that he is a type A diabetic, which means that he has to self-administer insulin. As it is all new to him, he is not aware of the importance of checking his blood sugar and of eating regularly when using insulin.

He was running late for work one morning, so he administered his insulin but did not check his blood sugar or eat anything. Later that day, his colleague, Iestyn, made a comment that Franz did not like, so he punched Iestyn. There was no visible injury to Iestyn.

Franz has been charged with battery.

(b) Advise Franz of the potential defence(s) that may be available to him.

(8 marks)

Gail

One afternoon, Gail was out walking in the park when a man who she did not recognise came running towards her, waving his arms and shouting something. Gail thought that the man was mad and about to attack her, so she picked up a large stone and when he was near enough to her, she hit him with it, causing him to fall to the ground.

The man, Elijah, was in fact running after his toddler son, Harry, who had run off when Elijah was not looking. Elijah was shouting for him to stop running.

Elijah suffered bruising to his cheek and a black eye.

Gail has been charged with assault occasioning actual bodily harm (ABH).

(c) Advise Gail of the potential defence(s) that may be available to her.

(9 marks)
(Total: 25 marks)

End of Examination Paper

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