

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 2021-2022, 31st edition, Matthew Dyson, Oxford University Press, 2021.**
- 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.

SECTION A

(Answer at least one question from this section)

1. The law is confusing and unsatisfactory in respect of defences affecting the *Mens Rea*.

Critically evaluate the above statement in relation to the defences of insanity, automatism and diminished responsibility (as amended by the Coroners and Justice Act 2009).

(25 marks)

2. (a) Critically evaluate the arguments for and against imposing strict liability on an individual.

(15 marks)

(b) Critically evaluate whether the doctrine of transferred malice has limited application and no longer serves any useful purpose.

(10 marks)

(Total: 25 marks)

3. Critically evaluate the grounds upon which liability for failing to act will be imposed in criminal law.

(25 marks)

4. The introduction of the defence of loss of control by the Coroners and Justice Act 2009, to replace the old defence of provocation, has clarified the law in relation to voluntary manslaughter.

Critically evaluate the above statement.

(25 marks)

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

Question 1

- (a) The day after she had been paid, Sophie checked her bank account and could see that she had been overpaid by £100. She was going to inform her line manager about the mistake and offer to pay it back, but then decided that she deserved a bonus, so she kept the money and used it to treat herself to a new pair of shoes and some make-up.

On her way home from work, Sophie called into the local supermarket. She bought a bottle of wine, using the self-service till to pay. Alongside the till was a display stand containing magazines. Sophie assumed that the magazines were free, so she took one. The magazine did, in fact, cost £3.99.

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

(13 marks)

- (b) Niall was saving up to buy a motorbike. He decided to do some extra work at weekends to boost his savings. He started doing odd jobs at a local sheltered housing complex. One day, while he was working in the garden, he began chatting to one of the residents, Martha.

Martha was very forgetful and frail. She didn't have any family, so Niall offered to do her food shopping and to run errands for her. Niall told her that he was saving up to buy a motorbike and was doing odd jobs to earn money. Niall was hoping that Martha would give him some money to boost his savings.

One day, when Niall returned from doing Martha's shopping, she gave Niall £500 in cash, to thank him for helping her so much. Niall knew that Martha wasn't short of money, so he accepted the money.

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

(12 marks)

(Total: 25 marks)

Turn over

Question 2

Julia and Patrick have lived together for 12 years. When he is sober, Patrick is a loving partner, but when he has been drinking alcohol, he takes pleasure in mentally and verbally abusing Julia.

Recently, when Patrick came home from the pub, he was very drunk. He immediately started verbally abusing Julia and calling her insulting names.

Julia walked away from Patrick into the kitchen, but he followed her and kept on verbally abusing her. He tried to grab Julia's arm, but she turned and pushed him away. He stumbled, regained his balance and then punched her very forcefully in the face.

Julia slipped, lost her footing and fell to the floor, banging her head on the corner of the table and on the floor as she fell.

Patrick could see blood pooling on the floor and knew that Julia was seriously injured. He fled from the house in panic.

Patrick ran into the road and was almost hit by a car being driven by Geoff. Patrick tripped and fell onto the road but was not visibly injured. Geoff called the police and an ambulance.

The paramedics tried to get Patrick into the ambulance, but he was flailing his arms around and almost hit Tori, the paramedic, to the face. Tori stepped back and Patrick put his face close to hers and aggressively told her that he hadn't finished with her yet. Patrick looked so angry that Tori was scared that he was going to hit her.

A second ambulance had arrived on the scene. The paramedics went into the house to check if there was anyone inside, but it was too late, Julia was already dead.

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

[NOTE TO CANDIDATES: Do NOT consider any potential offences that may have been committed by Julia or Geoff.]

(25 marks)

Question 3

Fiona and Aaron went to the local pub for a couple of drinks.

After buying their drinks, they chose seats near the door. As time went on, the pub became very busy. They both wanted drugs but couldn't afford to buy any.

Aaron watched as a man put his wallet in his jacket pocket, which he then hung on the coat rack. Without any warning, Aaron then took Fiona's hand and they got up and walked towards the door.

Aaron took the jacket from the coat rack, and they left the pub. When they were outside, Aaron put the jacket on. They walked a short distance from the pub and decided to check the pockets of the jacket, to see if there was any money inside.

Inside a pocket they found a wallet, containing a small amount of money, and a bunch of keys.

Fiona and Aaron found the owner's address in the wallet and decided to go to his house. They went to the taxi rank, got into a taxi and gave the driver the address that was in the wallet.

Before they got to the address, Fiona and Aaron realised that they did not have enough money to pay the fare. They continued with the journey and when they were quite close to the address, and the taxi was stationary in traffic lights, they got out of the taxi and ran off without paying.

They used the keys to enter the house and had a look to see if there was anything that they could steal to sell for money to buy drugs. They found a laptop and an iPad. They decided to leave the house at that point, with the items, in case the owner returned and caught them. Aaron kept the jacket.

The next day, Fiona went to Bart's second-hand shop to try and sell the laptop and iPad to him. Bart asked Fiona if the items were stolen, and Fiona assured Bart that the items belonged to her. Bart bought the items and paid Fiona in cash.

Advise Fiona and Aaron of their potential criminal liability.

[NOTE TO CANDIDATES: Do NOT consider any potential defences that may be available to Fiona and Aaron.]

(25 marks)

Turn over

Question 4

Dean was in the pub with his mates and had gone to the bar to buy some drinks. The pub was very busy. As he made his way back to his friends, he pushed aggressively past Rob, another customer, causing Rob to spill his drink.

Dean then noticed that Valerio had entered the pub. Valerio owed Dean money. Dean walked over to Valerio and asked him for the money that he owed him. Valerio told Dean that he had the money, but he didn't have it with him.

Valerio lived quite close to the pub so, knowing that Valerio was in the pub, Dean decided to leave the pub and go to Valerio's flat to get his money.

Dean could see a window that was ajar and he decided to use it to gain entry into the flat. Just as he was about to put his leg in through the window, he heard male voices approaching the house. He thought that Valerio was returning home, so he climbed down off the windowsill and went home.

The next day, Dean went to Valerio's flat to ask for his money. Once inside, Valerio admitted that he did not have Dean's money. Valerio was expecting his girlfriend to arrive soon and asked Dean to leave the flat.

Dean refused, so Valerio picked up a small, sharp knife that was on the table and waved it towards Dean, causing a deep cut on Dean's arm. Dean ran out of the flat and into the street, where a passer-by called an ambulance.

At the hospital, Dean received internal and external stitches for the wound and was later discharged.

Advise Dean and Valerio on their potential criminal liability, together with any defences that may be available to Dean **only**.

(25 marks)

End of Examination Paper