



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 11 – CRIMINAL LITIGATION*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials 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 are compulsory. You must answer ALL the questions.**
- 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**

Question 1

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

(a) Explain whether the requirements for a lawful arrest were followed when Arley was arrested.

(10 marks)

(b) Explain whether the police had grounds to search Arley and, if so, whether the search was lawful.

(6 marks)

(c) Identify **one** article of the European Convention on Human Rights (ECHR) that may apply in Arley's case and state which right it covers.

(2 marks)

(Total: 18 marks)

Question 2

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

(a) Explain the requirements to review Arley's detention before he was charged, and whether the proper procedures have been followed in his case.

(6 marks)

(b) Identify which Code of Practice regulates video identification procedures and explain any **five** requirements of those procedures.

(6 marks)

(c) Explain whether Arley's confession during the police interview was obtained lawfully, and whether it could be excluded from any trial.

(6 marks)

(d) Explain how Izabella's attendance at the police station could be funded.

(3 marks)

(Total: 21 marks)

Question 3

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

Arley intends to plead not guilty.

- (a) Explain the roles of:
- (i) lay magistrates; **(3 marks)**
 - (ii) the legal adviser in a Magistrates' Court. **(3 marks)**
- (b) What does the term 'rights of audience' mean? **(1 mark)**
- (c) Advise Arley of the procedure at a bail hearing in the Magistrates' Court. **(4 marks)**
- (d) If the court grants bail, identify **two** conditions it may attach to bail and give reasons why these may be appropriate in Arley's case. **(4 marks)**
- (e) Identify the purpose of an allocation hearing and state why this applies to Arley's case. **(2 marks)**
- (f) Identify **two** factors in favour of, and **two** factors against, Arley having his case tried in the Magistrates' Court. **(4 marks)**
- (Total: 21 marks)**

Turn over

Question 4

Reference: Question relates to **Documents 1, 2, 3 and 4** of the case study materials.

Arley's case is to be tried in the Magistrates' Court.

(a) What does the term 'unused' material mean?

(1 mark)

(b) Explain the legal requirement on the prosecution to disclose 'unused' material.

(3 marks)

Arley is convicted of theft in the Magistrates' Court.

(c) Using the extract from the sentencing guidelines in **Document 4**, advise Arley how the court is likely to determine his sentence and what the sentence is likely to be.

(6 marks)

(Total: 10 marks)

End of Examination Paper