



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 **two** requirements for criminal liability. **(2 marks)**
2. Name **three** types of *mens rea*. **(3 marks)**
3. Define the **two** statutory defences to basic criminal damage. **(2 marks)**
4. Define the *mens rea* of murder. **(2 marks)**
5. Explain the **two** qualifying triggers for the partial defence of loss of control in murder cases. **(5 marks)**
6. Define the *actus reus* of theft. **(3 marks)**
7. Define the **three** statutory beliefs within s.2 of the Theft Act 1968. **(3 marks)**
8. State which statutory authority and section defines the offence of attempt. **(2 marks)**
9. Explain the defence of self-defence under s.76 of the Criminal Justice and Immigration Act 2008. **(4 marks)**
10. Identify **four** reasons why strict liability offences might be considered justifiable. **(4 marks)**

(Total marks for Section A: 30 marks)

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SECTION B

(There are three scenarios in Section B. Answer the questions relating to ONE of the scenarios ONLY)

Scenario 1

Martin and Simon had known each other for many years. Martin knew that Simon had connections with criminals who dealt in illegal drugs.

Simon asked Martin if he wanted to make some extra money by collecting a package and delivering it to another address. Martin agreed, even though he thought the package would contain drugs. He was aware that this was a very serious criminal offence and he could end up in prison.

Martin was so nervous about what he was going to do, that he went to a local supermarket and bought a bottle of whiskey. At the till he handed the cashier a £10 note. She gave him change for £20. Martin realised the cashier's mistake, but decided to keep the money.

Once outside the shop, Martin drank half the bottle of whiskey. He threw the bottle with the remaining whiskey onto a busy road, where it shattered on impact, leaving large, sharp pieces of glass.

Martin then went to the address where he had been told to collect the package. Unbeknown to Martin, the package contained a white powder that was not an illegal drug.

On arriving at the delivery address, Martin was arrested by the police.

Scenario 1 Questions

1. In relation to Martin being given the wrong change in the supermarket:
 - (a) identify the offence and the elements of the offence for which Martin might be charged;
(6 marks)
 - (b) explain how the elements may apply in Martin's case.
(4 marks)**(Total: 10 marks)**

2. In relation to throwing the bottle of whiskey onto the road:
 - (a) identify the offence and the elements of the offence for which Martin might be charged;
(6 marks)
 - (b) explain how the elements may apply in Martin's case.
(4 marks)**(Total: 10 marks)**

3. In relation to taking the package to the delivery address:
 - (a) identify the offence and the elements of the offence for which Martin might be charged;
(5 marks)
 - (b) explain how the elements may apply in Martin's case.
(5 marks)**(Total: 10 marks)**

4. Explain which defence might be available to Martin if he is charged with offences in relation to throwing the bottle of whiskey onto the road and taking the package to the delivery address.
(10 marks)

(Total Marks for Scenario 1: 40 marks)

Turn over

Scenario 2

Alan and Bob supported rival football teams. As a consequence, Alan held a grudge against Bob.

Bob lived next door to Alan and had painted his house in the colours of his football team.

In order to frighten Bob into leaving his house, Alan lit a newspaper and put it through the letterbox of Bob's house. The flaming newspaper fell onto letters that were on the floor. The fire spread rapidly throughout Bob's house.

Bob was not at home but his girlfriend, Rachel, was asleep upstairs at the time. Rachel was overcome by smoke inhalation and lost consciousness. Someone living nearby saw the fire and called the emergency services. A fire engine arrived soon afterwards.

The fire was difficult to control, and it was some time before Rachel could be rescued, by which time she had virtually stopped breathing.

A firefighter attempted to carry Rachel to safety but dropped her. As a result, she suffered a fractured skull and died.

On hearing the news that Rachel had died as a result of Alan's actions, Bob picked up a knife and went to Alan's house. Alan's sister, Tamzin, answered the door. Bob stabbed her through the heart several times, and she died.

Bob suffers from serious depression and has done so for many years.

Scenario 2 Questions

1. In relation to the death of Rachel:
 - (a) identify the offence and the elements of the offence for which Alan might be charged;
(6 marks)
 - (b) explain how the elements may apply to Alan's case;
(4 marks)
 - (c) explain whether Alan has caused Rachel's death.
(10 marks)**(Total: 20 marks)**

2. In relation to Tamzin's death:
 - (a) identify the offence and the elements of the offence for which Bob might be charged;
(6 marks)
 - (b) explain how the elements may apply to Bob's case.
(4 marks)**(Total: 10 marks)**

3. If Bob is charged with an offence in relation to Tamzin's death, explain any partial defence that may be available to Bob.
(10 marks)

(Total Marks for Scenario 2: 40 marks)

Turn over

Scenario 3

Kiran is the managing director of, and majority shareholder in, Zed Tyres Ltd, a company that makes tyres for racing bikes. Deshi is an employee of Zed Tyres Ltd.

The business was going badly and deteriorating rapidly. Kiran instructed Deshi to start a fire at the factory, so that Zed Tyres Ltd would be able to make a claim for damage to the factory on its insurance policy.

Deshi waited for the employees to leave the factory and then started a small fire. The fire unexpectedly spread very quickly and the factory was badly damaged.

Kiran met Deshi after the fire and said that he believed the reason the business was deteriorating was because their rivals, McTyres, were undercutting their prices by using cheap, imported tyres.

Kiran told Deshi that, unless he did some harm to McTyres, he would tell the police that Deshi had set fire to the factory and that it was all Deshi's idea.

Deshi went to the McTyres showroom and threw a brick at the glass window, causing it to shatter.

On his way home, Deshi saw a wallet lying on the floor. He picked it up and looked inside and saw a driving licence and £50 in cash. He took the cash out and threw away the wallet.

Scenario 3 Questions

1. In relation to the fire at the factory:
 - (a) identify the offence and the elements of the offence for which Deshi might be charged;
(6 marks)
 - (b) explain how the elements may apply to Deshi's case.
(4 marks)
(Total: 10 marks)

 2. In relation to the glass window:
 - (a) identify the offence and the elements of the offence for which Deshi might be charged;
(6 marks)
 - (b) explain how the elements may apply to Deshi's case.
(4 marks)
(Total: 10 marks)

 3. Explain any defences that may be available to Deshi if he is charged with offences in relation to:
 - (a) the factory fire;
(4 marks)
 - (b) the glass window.
(6 marks)
(Total: 10 marks)

 4. In relation to the wallet:
 - (a) identify the offence and the elements of the offence for which Deshi might be charged;
(6 marks)
 - (b) explain how the elements may apply to Deshi's case.
(4 marks)
(Total: 10 marks)
- (Total Marks for Scenario 3: 40 marks)**

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