



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 2016-2017, 26th edition, Matthew Dyson, Oxford University Press, 2016.**
- 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**

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

1. Critically evaluate whether the imposition of criminal liability in respect of inchoate offences is justified.

(25 marks)

2. Critically evaluate the influence of public policy considerations on the operation of the defence of consent in respect of non-fatal offences against the person.

(25 marks)

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

(25 marks)

4. (a) The Actus Reus of theft is so widely interpreted that liability for theft will generally be determined by the Mens Rea elements.

Critically evaluate the above statement.

(13 marks)

- (b) Critically evaluate the concept of trespass in relation to burglary.

(12 marks)

(Total: 25 marks)

Turn over

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

Question 1

Tom was waiting at a taxi rank after a night out with his friends. While he was waiting in the queue, Ben approached the taxi rank and walked straight to the front of the queue. Tom told Ben to go to the back of the queue and Ben turned around and punched Tom in the face, causing him to fall over.

By the time Tom had got up off the floor, Ben had got into a taxi and had been driven away. Tom suffered no visible injuries as a result of Ben's actions. Tom saw that Ben had dropped his wallet on the floor, so he picked it up and put it in his pocket.

As soon as the taxi left the taxi rank, Ben realised that he had lost his wallet. He continued with the journey and, when he was quite close to his home, and the taxi was stationary at traffic lights, he got out of the taxi and ran off without paying.

Tom finally got a taxi home and used money from Ben's wallet to pay for it. The next morning, in Ben's wallet, Tom found a debit card and a piece of paper with a four-figure number on it, so he went to the nearest cashpoint machine and tried to withdraw money from Ben's bank account, using the card and the number in the wallet. It worked and Tom withdrew £300 from Ben's account.

Advise Ben and Tom of their potential criminal liability.

Do not consider any defences in relation to either Ben or Tom.

(25 marks)

Question 2

Rochelle, who suffers from schizophrenia, was on her way home after watching a horror movie at her friend's house. She realised that she had missed dinner and was hungry, so she decided to break into a local food retailer's warehouse with the intention of finding something to eat.

When Rochelle reached the warehouse, she found that the door was unlocked, so she went inside. It was very dark inside the warehouse, but she could see a light in the distance. As she headed towards the light, she heard something approaching her.

Affected by the movie, Rochelle believed that it was a demonic spirit who wanted to kill her. In reality, it was Hans, the security guard, who was investigating the noise made by Rochelle when she entered the warehouse.

Rochelle hid behind some boxes and, when Hans reached her, she jumped out from behind the boxes, collided with Hans and they both fell to the floor. Hans dropped his heavy-duty torch when he fell. Rochelle picked up the torch and hit Hans violently over the head with it a number of times.

Hans died from his injuries.

Rochelle left the warehouse without taking any food.

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

(25 marks)

Turn over

Question 3

Lily had an argument with her flatmate Penny, which resulted in Penny telling Lily that she wanted her to leave the flat for good. Lily then stormed out of the flat in a temper.

Before leaving the next day, Lily put her bags in the car and then decided to teach Penny a lesson. She hung Penny's favourite dress from a tree in the garden and slashed it with a knife. As Lily was getting into her car, Penny returned home from work and could see that her dress was ruined.

Penny threw a stone at Lily's car as she was driving away. The stone smashed the windscreen. Lily could not see where she was going. The car swerved and crashed into a lamppost. The car was badly damaged but Lily was not hurt.

When she knew that Penny was out, Lily returned to Penny's flat, took all of Penny's photographs out into the garden and set fire to them.

(a) Advise Lily and Penny of their potential criminal liability.

Do not consider any potential defences.

(13 marks)

Yusuf and Matthew decided to run the London marathon together. They trained together and on the day of the race they agreed to stay together for the duration of the course.

Yusuf was a better distance runner than Matthew and after a few miles he separated from Matthew to run his own race. Matthew was really annoyed that Yusuf had gone off after they had agreed to stick together.

After a couple of miles, Yusuf felt guilty about leaving Matthew and decided to wait for him to catch up. When Matthew caught up, they began running together again. However, Matthew was still annoyed, so he stuck his foot out and tripped Yusuf up. Yusuf fell awkwardly and hit his head on the kerb, knocking himself out. Matthew continued running.

A spectator saw Matthew deliberately trip Yusuf up and she gave the paramedics the number on Matthew's vest when they attended at the scene. Yusuf died in hospital as a result of the head injury.

(b) Advise Matthew of his potential criminal liability.

Do not consider any defences in relation to Matthew.

(12 marks)

(Total: 25 marks)

Question 4

Jonny's girlfriend, Tabitha, recently broke off their relationship as she wanted to start a relationship with Jonny's work colleague, Sam.

Jonny was very upset about the break-up and wanted to rekindle his relationship with Tabitha. One evening, after work, Jonny went to the pub with a few work colleagues, including Sam. Jonny drank five pints of strong cider to give him the courage to confront Sam.

Jonny told Sam to leave Tabitha alone or he would regret it. Sam decided to leave, as he did not like the threatening tone used by Jonny.

Before leaving the pub, Sam went to the toilet. Jonny followed him, still carrying his pint of cider. In the toilet, Jonny shouted abuse at Sam, who just turned and waved Jonny away. Jonny mistakenly believed that Sam was going to hit him, so he threw his glass at Sam. Sam raised his arm to defend himself and the glass smashed on impact with his arm, causing a deep cut to his forearm.

Sam sustained a nasty cut, which required a number of stitches.

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

(25 marks)

End of Examination Paper

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