



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. Due to the courts' lack of consistency in defining the concept of intention, a statutory definition of intention is long overdue.

Critically evaluate the above statement.

(25 marks)

2. Even though the Fraud Act 2006 has resolved many of the issues associated with the law of deception, critics say it is too wide in scope.

Critically evaluate the above statement.

(25 marks)

3. (a) Critically explain the role and function of the defence of duress in criminal law.

(18 marks)

- (b) Critically evaluate whether the enactment of s.76 of the Criminal Justice and Immigration Act 2008 clarified the law in relation to the use of reasonable force when claiming self-defence?

(7 marks)

(Total: 25 marks)

4. Critically evaluate the importance of establishing causation when dealing with result crimes.

(25 marks)

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

Question 1

Saeed had recently broken up with his long-term girlfriend, Caitlin, and was having dinner in a restaurant with his new girlfriend, Berta.

Caitlin was also at the restaurant with a work colleague. She was quite drunk, as they had just finished their second bottle of wine. Caitlin suddenly noticed Saeed and Berta enjoying their dinner. She was really angry that Saeed was seeing someone else so soon after they had broken up.

Caitlin approached Saeed's table and started shouting at him. Saeed stood up and asked her to leave, but Caitlin picked a knife up off the table and stabbed Saeed in the stomach with it. While still holding the knife, she turned towards Berta, and told her that if she saw her with Saeed again, she would stab her too.

Saeed fell to the floor and a waiter restrained Caitlin until the police and the paramedics arrived. At the hospital, Saeed received internal and external stitches for the wound.

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

(25 marks)

Question 2

Jacob had an appointment with the bank manager to discuss an application he had made for a loan for £10,000. Jacob needed the money to pay his gambling debts.

In his application he said that he was a self-employed builder. Checks made by the bank revealed that he was, in fact, unemployed. The bank manager rejected Jacob's application, as he said that Jacob would not be able to make the monthly repayments.

Jacob had presumed that he would be successful in his application and was furious that the bank manager had rejected his application.

Later that night, when the bank was shut and everyone had gone home, Jacob returned to the bank and posted a burning rag through the letterbox of the bank, which caused some fire damage to the carpet, before burning itself out.

At the same time, Annalise was passing the bank and saw what Jacob had done. She told Jacob that she was going to call the police. Jacob walked over to Annalise and pushed her, causing her to fall to the ground. As she fell, she dropped her mobile phone and Jacob stamped on it, completely destroying it.

Annalise fell awkwardly on her arm, which resulted in her suffering a sprained wrist and severe bruising to her arm.

Advise Jacob of his potential criminal liability.

Do not discuss any potential defences that might be available to Jacob.

(25 marks)

Question 3

- (a) Ed's wife, Gaynor, was recently diagnosed as having a terminal illness. Ed was upset by Gaynor's rapid deterioration, so he decided to put an end to her suffering and he suffocated her with a pillow.

Advise Ed on his potential liability for murder, together with any defences that may be available to him.

(11 marks)

- (b) Keith and Hannah had been married for 27 years. One evening Keith came home from work and told Hannah that he was leaving her, as he had been having an affair with their good friend Richard for the past two years and he wanted to be with him.

Hannah was so upset that she fled from the house and went straight to Richard's house to confront him. Richard was in the process of preparing a meal and he invited Hannah into the kitchen, so that he could carry on with his preparations.

Richard apologised to Hannah and accepted that he had been having an affair with Keith. Hannah grabbed a sharp knife off the work surface and stabbed Richard in the chest, killing him instantly.

Advise Hannah on her potential liability for murder, together with any defences that may be available to her.

(14 marks)

(Total: 25 marks)

Question 4

Dean went to visit his friend Mai. Mai showed Dean a book that she had just bought. It was a book that Dean had also wanted to buy, but could not afford.

A couple of days later, Mai lent the book to Dean. A few weeks after that, Mai asked for her book back. Dean had decided to keep the book and had put it in his cupboard. When Mai asked him about the book, Dean did not respond and quickly changed the conversation to talk about something else.

Mai thought that Dean was being evasive and was frustrated that Dean was obviously ignoring her request to return the book. So a few days later, she went to Dean's house and waited for him to go to work, as she planned to look for her book.

Mai went around to the back of the house and could see that the kitchen window was open. She climbed in through the window.

Once inside Dean's house, Mai started looking for her book. She could not find it anywhere, so she decided to confront Dean about it the next day. On her way out, she saw a computer game that she wanted on Dean's TV stand.

She decided to take the game home and play it, and when Dean gave her book back, she would return his game.

Advise Dean and Mai of their potential criminal liability.

(25 marks)

End of Examination Paper

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