



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 the question paper fully.** However, you may make notes on the question paper or in your answer booklet during this time, if you wish.
- **The 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 in 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 ball point 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**, **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

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SECTION A

(Answer ALL questions in Section A)

1. Explain the doctrine of transferred malice.
(2 marks)
2. Explain how the *actus reus* and *mens rea* must coincide.
(4 marks)
3. By reference to case law, define 'damage' in the context of criminal damage.
(4 marks)
4. Identify the **two** defences to criminal damage set out in the Criminal Damage Act 1971.
(2 marks)
5. Explain the partial defence of loss of control in a murder case.
(4 marks)
6. Explain constructive manslaughter.
(4 marks)
7. Define appropriation in s.3 of the Theft Act 1968.
(2 marks)
8. Explain the *actus reus* of attempt.
(2 marks)
9. Explain the defence of mistake.
(4 marks)
10. State **two** criticisms of strict liability offences.
(2 marks)

(Total Marks for Section A: 30 marks)

SECTION B

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

Scenario 1

Latia and her boyfriend, Shaz, have just split up, because she has been convicted of shoplifting. Her friend Renata has heard about her conviction and the fact that Shaz has left her.

In order to cheer Latia up, Renata invites Latia out for a coffee. In the coffee bar, Latia tells Renata that she wants to get revenge on Shaz and wants him to suffer for leaving her. She tells Renata that she needs her help and that if Renata does not help her she will harm Renata's two year old daughter.

Latia devises a plan whereby she will phone Shaz and ask him to meet her as she has something very important to tell him. While Shaz is out of his house Renata will go to his house, pour petrol through the letterbox and set fire to the petrol. Renata is frightened that Latia really will harm her daughter if she does not do what Latia has told her to do.

The next day, Latia telephones Renata and says she has arranged the meeting with Shaz for three o'clock that afternoon and that Renata must go to Shaz's house, pour the petrol through the letterbox and set fire to it as planned.

Renata buys the petrol and matches and goes to Shaz's house at three o'clock. Just as she is about to pour petrol through the letterbox, she hears someone in the house.

She runs away from Shaz's house and throws the can of petrol over a nearby wall. On the other side of the wall someone is having a barbeque. The petrol can lands on the barbeque, explodes and burns down a nearby garden shed.

Scenario 1 Questions

1. In relation to Renata going to Shaz's house:

- (a) State the *actus reus* and *mens rea* of any offence she may have committed.

(6 marks)

- (b) Explain whether Renata has committed the offence.

(4 marks)

(Total: 10 marks)

2. Explain and apply the defence that Renata might plead in relation to going to Shaz's house with the petrol.

(10 marks)

3. In relation to throwing the petrol can over the wall:

- (a) Explain the *actus reus* and *mens rea* of s.1(2) of the Criminal Damage Act 1971.

(10 marks)

- (b) Explain the *actus reus* and *mens rea* of s.1(3) of the Criminal Damage Act 1971.

(5 marks)

- (c) Explain whether Renata is likely to be found guilty of either of the above offences.

(5 marks)

(Total: 20 marks)

(Total Marks for Scenario 1: 40 marks)

Scenario 2

Kirstin was depressed due to a lack of money and the pressures of work. She worked in a call centre for a large company handling complaints from dissatisfied clients.

Early one morning she received a call from a particularly annoyed client, who started screaming abuse at her. Kirstin slammed the phone down and went to her manager's office to complain about the client. Although she did not have a good working relationship with her manager, she had no one else to complain to, about what had happened.

The door to the manager's office was open and she walked in. The manager immediately told her not to enter the office without knocking. This made Kirstin very angry and without a moment's thought, she picked up a brass desk lamp on her manager's desk and hit him over the head with the brass desk lamp with all her force. The manager died instantly from the blow.

Realising what she had done and thinking she could hide the evidence, Kirstin picked up the brass desk lamp and threw it through an open window. The office was on the third floor. The brass desk lamp struck a passing pedestrian on the head. The pedestrian was knocked unconscious. An ambulance was called but it took 30 minutes to arrive.

When the ambulance arrived at the hospital there was no doctor available and by the time the pedestrian was seen by a doctor it was too late. The pedestrian had died from head injuries.

Scenario 2 Questions

1. In relation to the killing of Kirstin's manager:

(a) Define the *mens rea* and *actus reus* of murder.

(5 marks)

(b) Explain whether Kirstin has the *mens rea* and *actus reus* for murder.

(5 marks)

(Total: 10 marks)

2. Explain any partial defences Kirstin might have to a charge of murder.

(10 marks)

3. In relation to the death of the pedestrian:

(a) Explain any offence with which Kirstin might be charged.

(6 marks)

(b) Explain whether Kirstin is guilty of this offence.

(4 marks)

(Total: 10 marks)

4. In relation to the death of the pedestrian:

(a) Explain causation in fact and causation in law.

(6 marks)

(b) Explain whether Kirstin has caused the death.

(4 marks)

(Total: 10 marks)

(Total Marks for Scenario 2: 40 marks)

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Scenario 3

On his way to watch a football match, Jack stopped at a shop to buy some sweets. After buying the sweets, as he was leaving the shop, he saw a lottery ticket on the floor. He picked up the lottery ticket and noticed that it was for the draw that was to take place that evening. He put the lottery ticket in his pocket.

On arriving at the football ground, he went to the supporters' club and had several beers. As he was leaving the club, to watch the match, he saw a plate of hot pies. When he was sure no one was looking he took one of the pies and put it in his pocket. He saw a sign next to the pies saying '£3 each', but did not read the notice underneath which said 'Free if you buy two or more beers'.

The football team Jack supported lost the game. Jack was so cross that his team had lost, that when he saw a parked car with an opposition supporter's sticker displayed on the windscreen, he smashed the driver's wing mirror.

Later that night, Jack checked the lottery ticket he had picked up from the shop floor and saw that it had won thousands of pounds.

Scenario 3 Questions

1. In relation to Jack putting the lottery ticket into his pocket:

(a) Explain the *mens rea* of any offence he may have committed.

(6 marks)

(b) Discuss whether Jack has committed the *actus reus* of the offence.

(4 marks)

(Total: 10 marks)

2. Discuss Jack's *mens rea* in relation to putting the pie in his pocket.

(6 marks)

3. Discuss any possible defence Jack may have in relation to putting the pie in his pocket.

(10 marks)

4. In relation to smashing the car wing mirror, discuss the **offences** with which Jack might be charged.

(10 marks)

5. Explain whether the fact that the lottery ticket is a winning one, affects Jack's *mens rea* in relation to any offence he may have committed.

(4 marks)

(Total Marks for Scenario 3: 40 marks)

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