

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 the question paper fully.** However, you may make notes on the 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. The 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 2010-11, 20th Edition, Peter Glazebrook, Oxford University Press, August 2010.**
- Candidates must comply with the ILEX 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 ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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

1. (a) Explain the meaning of strict liability offences and how the courts determine whether an offence is one of strict liability.

(10 marks)

- (b) It is morally wrong to punish people who have not voluntarily broken the law. Evaluate this statement in relation to strict liability offences.

(15 marks)

(Total: 25 marks)

2. The approach of the criminal law to defendants who are intoxicated owes more to policy than to principle.

Critically analyse this view.

(25 marks)

3. The circumstances in which a person can give lawful consent to the infliction of actual bodily harm upon him or herself depends upon what is considered by judges as being in the public interest.

Critically analyse the above statement.

(25 marks)

4. (a) Define the concept of attempts and explain their role in the criminal law.

(15 marks)

- (b) 'What turns what would otherwise, from the point of view of the criminal law, be an innocent act into a crime is the intent of the actor to commit an offence.' Lord Bridge, *R v Shivpuri* (1987).

Explain this statement in relation to the concept of 'impossible attempts'.

(10 marks)

(Total: 25 marks)

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

Question 1

Alan and Bill are drinking beer in the Red Lion public house. They start making offensive remarks to another customer and are asked to leave by the manager. The following day they return to the street outside the pub planning some revenge and Alan throws a brick through the window of the lounge bar.

The broken glass falls on a customer (Carol) inside the Red Lion, and causes her minor cuts. Carol's boyfriend, David, is enraged and rushes outside. Seeing Alan and Bill, he forms the opinion that they are responsible and attacks Bill with his fists.

Alan attempts to intervene and kicks David.

David knocks Bill to the ground in the altercation and into the path of an oncoming motor cycle. Bill sustains severe injuries and an ambulance is called.

On arrival at the hospital, Bill refuses treatment because he is afraid that the police will discover his whereabouts. He returns home and dies after his wounds become infected.

Consider the criminal liability, if any, of Alan and David.

(25 marks)

Question 2

- (a) Ed works as a warehouseman for Wycombe Electrical Deliveries (WED). Ed is angry because payments for overtime work have not been met by WED. Ed and his friend Faisal decide that they will go to WED's warehouse using Ed's entry pass to see if they can find any unattended goods which they can take in recompense. Ed and Faisal go into the warehouse on Friday and can only find items of too high a value, so they leave empty handed.

Consider the criminal liability of Ed and Faisal.

(15 marks)

- (b) George, by masquerading as a representative of a national retailer, engages Harry to supply computers and to design a website. Harry does the required work and supplies the computers, but is not paid by George.

Consider any criminal liability of George.

(5 marks)

- (c) Ira feels very strongly about the dangers of genetically modified food stuffs. She therefore sprays dye on wheat standing in a field awaiting harvesting.

Consider the criminal liability of Ira.

(5 marks)

(Total: 25 marks)

Question 3

Answer all parts which are to be treated as independent scenarios.

- (a) Jess is married to Ken. She has been physically abused by Ken for many years. When she discovers he has sexually abused their daughter she decides to poison him, which she does. Ken dies.

Consider Jess's criminal liability.

- (b) Jess is married to Ken. She has been physically abused by Ken for many years. When she discovers he has sexually abused their daughter she decides to poison him. Before she can carry out her plan, Ken discovers the poison, and, losing his temper, hits her: she falls to the ground and dies as a result.

Consider Ken's criminal liability.

- (c) Jess is married to Ken. She discovers he is having a relationship with another woman, and she loses her temper and kills him.

Consider Jess's criminal liability.

(25 marks)

Question 4

Discuss the availability of any defence(s) open to Leo, Mark and Neil in the following situations.

- (a) Leo, who has a depressive illness for which he is prescribed medication, knows that when he has been watching violent films he becomes prone to occasional sleep-walking. Despite having taken the medication, in a fit of depression he drinks a quantity of alcohol. After watching a particularly violent film, he sleepwalks the following night and believing his flat mate is a dangerous intruder, he kills him. He is charged with murder.

(15 marks)

- (b) Mark is disqualified from driving. His daughter who suffers from depression, is late for a job interview, and threatens that she will kill herself, if he does not drive her to her appointment. He does so and is charged with driving whilst disqualified.

(5 marks)

- (c) Neil is driving within the speed limit through a town. He tries to stop to give way at a pedestrian crossing, but his brakes fail. He is charged with the offence of failing to stop at a pedestrian crossing.

(5 marks)

(Total: 25 marks)

End of Examination Paper

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