



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 3 – Criminal Law

Question paper

June 2024

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Criminal Law 33rd edition, Matthew Dyson, Oxford University Press, 2023***.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. In light of recent case decisions, critically analyse the law on *novus actus interveniens* in respect of the victim's own act.

(25 marks)

 2. Critically evaluate the development of the law in relation to the defence of consent to actual and grievous bodily harm.

(25 marks)

 3. Critically assess whether the doctrine of strict liability is fit for purpose.

(25 marks)

 4. Critically analyse:
 - (a) whether negligence can be the basis of the *mens rea* in criminal liability;

(10 marks)

 - (b) the concept of transferred malice and whether it is fit for purpose.

(15 marks)
- Total (25 marks)**

SECTION B

Answer at least one question from this section.

Question 1

Karim and Soren are university students who live together. Soren has bipolar disorder, for which she takes regular medication.

One evening, both Karim and Soren decide to buy some LSD, a hallucinogenic drug, from Ollie, another student at the university. Both Karim and Soren take the LSD, which exacerbates Soren's bipolar disorder. During the night, Soren begins to believe that Karim is attacking her with a hammer and in response puts her hands around Karim's neck and strangles him, intending to kill him.

The following morning, Soren wakes to find Karim barely conscious and calls an ambulance. The police were also called and she immediately admits her actions to the police.

The ambulance arrives and takes Karim to the local hospital, where he dies from his injuries. On inspection, it is seen that Heather, the paramedic, failed to check Karim into the hospital as soon as they arrived.

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

(25 marks)

Question 2

Petra works as a bartender at a local pub in Kempston called 'The Kempston Arms'. She works full time and has recently been promoted to bar supervisor. Her role includes serving customers, supervising staff and cashing up the tills at the end of the night. Her manager, Alfie, lives upstairs with his wife, Lauren, and their two children.

One night, after her shift, Petra heads home around midnight. Once she is home, she opens her post and sees a letter demanding payment for a credit card bill that she has not paid. Petra gets upset as she does not know how to pay the debt.

The next day, Petra is off work and decides to enter the pub after everyone has gone home and take money from the safe to pay her debt. Around 1 am, she uses her keys to open the door to the pub and goes straight up to the office to access the safe. She takes a bag of notes, that she hopes will be enough to pay off her debt, out of the safe, locks the safe and walks towards the door to leave. Her manager, Alfie, hears a noise and comes downstairs to check on the pub. Alfie confronts Petra and, not realising who she is because it is dark, hits her with a baseball bat hard in the head, causing Petra to fall over and hit her head on the floor, causing a deep cut. Lauren, Alfie's wife, hears the commotion and comes down to see what is happening.

As a result of the pub being broken into, Lauren now feels very anxious and has developed depression.

Advise Petra and Alfie of their potential criminal liability, along with any defences available to them.

(25 marks)

Question 3

Billy is a labourer who repairs houses, including rooftops, for a living. He receives a phone call from Clara who owns a four-bedroomed house near Kempston. Clara has had an issue with her roof for the past few months and recently the bad weather has caused extensive damage to a part of the roof. Billy agrees to come over and provide a quote for the work that needs to be done.

Once the quote is agreed, Billy suggests that Clara and her family find somewhere to stay while the required work is carried out. Clara and her family go and stay with her parents who live around 20 miles away. They are away from the house for seven days as advised by Billy. Clara paid up front for the required work.

On the final day of work, Billy rang Clara to say that the work had been completed to a good standard and that it was safe to come back to the house with her family. Once Clara arrived home, she soon realised that none of the work had been done and according to her neighbour, Tariq, in fact Billy had not even been to the house.

On hearing this, Clara's boyfriend, Wayne, went to Billy's known address and hit him in the face repeatedly until he was unconscious. Billy was in hospital for three weeks because of this but did eventually recover.

Advise:

- Billy of his potential criminal liability against Clara;
- Wayne of his potential criminal liability against Billy.

(25 marks)

Question 4

- (a) Victoria, a 15-year-old girl, holds a grudge against her neighbour's son, Gino, who is also 15. She believes that Gino has been texting her girlfriend asking her for a date. One day, she decides to teach Gino and his family a lesson.

She goes to the shop and buys a bottle of petrol. That night, she finds an old rag in her kitchen and soaks it in the petrol. She goes to Gino's house with the rag and a lighter. Once at Gino's house, Victoria lights the old rag and throws it towards a small tree that is right outside the house. The tree immediately catches fire and causes extensive damage to the garden. The fire spreads along the garden to the house, at which point Gino and his family all panic and evacuate the house. Nobody is harmed and no damage is done to the house.

Advise Victoria of her potential criminal liability.

[Do NOT discuss any defences available.]

(15 marks)

- (b) Matthew is an elderly man who lives with his son, Nigel, and daughter-in-law, Lina. Lina and Matthew are often seen arguing outside the house. Matthew needs regular attention in the form of basic care and medication that, owing to his condition, only Lina can administer and which she begrudges.

Matthew's condition deteriorates and he needs emergency medical attention. Lina decides not to call the ambulance and, as a result, Matthew dies.

Their neighbour, Evan, tells the police that it is common knowledge that Lina does not like Matthew.

Advise Lina of her potential criminal liability.

(10 marks)

Total (25 marks)

End of the examination