

You are reminded of the importance of including relevant knowledge from all areas of your course, where appropriate, including the English legal system.

In answering questions use the source materials and your knowledge of the subject.

Answer all questions.

- 1.* Discuss the fairness of the development made by **R v Whybrow (Arthur George) 1951** (Source 4, lines 1–22 and Source 5, lines 14–16, Special Study Material) to the law of attempts.

[16 marks]

2. 'If with intent to commit an offence to which this section applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempts to commit the offence' (Source 1, lines 10–13)

'S1(1) Criminal Attempts Act 1981 provides both the actus reus and mens rea required for a criminal attempt yet both have been criticised for being confused and incoherent.'

Discuss the validity of this opinion.

[34 marks]

3. Consider the potential criminal liability of Morgan, Daphne and Dieter for attempted theft in the following situations:

(a) Morgan is a dishonest postal sorter who is short of money. He therefore intends to steal any letters that are registered. He picks up a pile of letters from a sorting bin but discovers that none of them are registered letters so he puts them all back in the bin. Morgan has been charged with attempted theft.

[10 marks]

(b) Daphne, a jeweller, has insured her stock against theft but she is in financial difficulties and has decided to hide some of it on the premises and claim on the insurance. She ties herself up with rope and explains to the policeman who broke into the shop that she had been attacked and robbed. The police officer was suspicious, searched the property and found the missing jewellery hidden inside the chimney. Daphne has been charged with attempted theft of money from the insurance company.

[10 marks]

(c) Dieter is a keen golfer and diver. He believes the small lake at his golf club is full of expensive golf balls. After a round of golf, he dives into the lake with a net to collect golf balls. However, the club had employed a firm to retrieve the golf balls the day before. Dieter leaves the water empty-handed and is arrested by security staff. The police have charged him with attempted theft.

[10 marks]