

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

[G143QP]

Criminal Law

Specimen Paper

2 hours

Each candidate must be given:

- (1) one copy of this question paper, [G143QP];
- (2) one 8 page Answer Book.

Item (2) is sent with the stationery parcel.

TIME 2 hours

INSTRUCTIONS TO CANDIDATES

Complete the front page of the Answer Book as directed.

Answer **three** questions, **one** from Section A, **one** from Section B and **one** from Section C.

Read each question carefully and make sure you know what you have to do before starting your answer.

Write the numbers of the questions you answer on the front of your Answer Book.

INFORMATION FOR CANDIDATES

The maximum mark for this paper is **120**.

Quality of Written Communication (QWC)

Candidates are reminded of the need to write in continuous prose where appropriate. You will be assessed on your written communication and your use of appropriate legal terminology.

This question paper consists of 4 printed pages

Answer **three** questions.

One from Section A, **one** from Section B and **one** from Section C.

SECTION A

Answer only **one** question from this section.

- 1 'Strict liability offences are an exception to the general rule that the prosecution has the burden of proving that a person accused of a crime possesses the relevant guilty mind.'
Discuss, in the light of the above statement, whether you agree that the creation of strict liability offences can ever be justified. [50]
- 2 Discuss whether the rules governing insanity as a defence in criminal law are in a satisfactory condition. [50]
- 3 Consider whether the current law relating to attempted crimes strikes the right balance between protecting society and convicting only those who deserve to be punished. [50]

SECTION B

Answer only **one** question from this section.

- 4 Victoria is the wife and assistant of a knife throwing expert, Carl, who both work for a circus. Carl is renowned for his hot temper and has recently been off work suffering from depression. Their act consists of Victoria being strapped to a board whilst Carl throws twenty knives all around her from a distance of five metres to within as little as ten centimetres of her body. They have been doing this for many years without a single mishap and Carl regards his technique as perfect. One evening, just before their act begins, Victoria tells Carl that she is having an affair with the lion tamer, Wayne. Carl is shocked and enraged but immediately the fanfare strikes up for the start of their act and Carl and Victoria enter the ring to start their performance. The third knife Carl throws goes straight into Victoria's heart, killing her instantly.

Discuss Carl's liability for Victoria's death.

[50]

- 5 Carol and Diana decide to go out 'clubbing' for the night. They meet at Carol's house and begin the evening by drinking half a bottle of vodka. They then go out and have some more drinks in a pub and they each take an ecstasy tablet which Diana has brought with her. As they are leaving the pub, Carol takes a leather jacket from the back of a chair, mistaking it for her own very similar jacket which she has, in fact, left at home. By the time that they arrive at the club, both girls are suffering from hallucinations. When the doorman, Barry, asks them for identity, Diana, who thinks Barry is an alien who wants to transport her to another planet, pokes him in the eye with her finger and then hits him over the head with her umbrella, knocking him unconscious.

Consider the offences that Carol and Diana may have committed and whether they may have any defences available to them.

[50]

- 6 Emma hires Fred, a qualified electrician, to re-wire her house. She is unhappy when she notices sparks coming from the switches as she turns some lights on or off. Emma complains to Fred who returns to do some checks. He assures her that everything is in order and perfectly safe. The next morning, Emma goes to take a shower in the bathroom. When she turns on the shower control, she receives an electric shock that causes her to fall and bang her head, knocking her unconscious. Fortunately, her friend, Gita, arrives almost immediately and discovers Emma. Gita calls an ambulance and Emma is rushed to hospital. While Emma is still critically ill she develops an infection.

Hugh, a junior doctor employed by the hospital, fails to read Emma's medical notes properly. The notes clearly show that Emma is allergic to penicillin. Hugh gives Emma penicillin to treat the infection. As a result of her allergy Emma dies.

Discuss the liability of Fred and Hugh for Emma's death.

[50]

SECTION C

Answer only **one** question from this section.

- 7 John enters a supermarket intending to steal some food. He is in the shop when he notices that the door to the manager's office is open. He goes inside hoping to find something of value. There is no-one present but, as he is about to leave, he notices a wallet lying on the manager's desk. John picks the wallet up and takes a £20 note out of it. The manager, Sue, sees him leaving the office and shouts at him. John pushes Sue aside and runs out of the store.

Evaluate the accuracy of **each** of the four statements A, B, C and D individually, as they apply to the facts in the above scenario.

Statement A: John is guilty of burglary under S.9(1)(a) Theft Act 1968.

Statement B: John is guilty of theft under S.1 Theft Act 1968.

Statement C: John is guilty of robbery under S.8 Theft Act 1968.

Statement D: John is guilty of burglary under S.9(1)(b) Theft Act 1968. [20]

- 8 Wayne is the captain of the Northport United football team. During an important match against their local rivals, Wayne is involved in a clash of heads in an incident with an opposing player, Andrew. Wayne receives a nasty bruise above his left eye and is badly concussed. Wayne insists on continuing after treatment with a cold sponge but is obviously still in a very dazed condition. A few minutes later Wayne jumps wildly into a foul tackle on Andrew. Andrew is carried off in agony and x-rays later reveal that he has a broken ankle.

Evaluate the accuracy of **each** of the four statements A, B, C and D individually, as they apply to the facts in the above scenario.

Statement A: Andrew is liable for ABH S.47 OAPA 1861 for the bruise suffered by Wayne.

Statement B: Wayne is liable for GBH S.18 OAPA 1861 for the broken ankle sustained by Andrew.

Statement C: Andrew has a defence of consent for any charge brought by Wayne.

Statement D: Wayne has a defence of automatism for any charge brought by Andrew. [20]