Tuesday 7 May 2013: 10.00 – 13.15

Candidates will have fifteen minutes during which they may read the paper and make rough notes ONLY in their answer books. They then have the remaining THREE HOURS in which to answer the questions.

Candidates should answer FOUR of the following EIGHT questions.

Candidates should answer all parts of a question unless otherwise stated.
1. ‘The common law doctrine of joint enterprise liability is not fit for purpose. Despite the best efforts of the judges to clarify the law, statutory reform is required.’ (Graham Virgo)

Discuss.

2. ‘English Law does not normally impose liability for failure to act despite the fact that there may be compelling moral justifications for doing so.’

Consider whether the current state of the law governing omissions is satisfactory.

3. Critically evaluate the law relating to any TWO of the following THREE defences:

(a) duress;

(b) necessity; and

(c) self defence.

4. Critically evaluate the principles governing causation in the criminal law.

5. Rav suffers from diabetes. He takes insulin three times per day. On the rare occasion he has not taken it, the failure resulted in hyperglycaemia which has caused him to black out. One morning he is attacked and robbed in the street outside his home. So upset is he that he forgets to take his insulin for a whole day. During the evening while driving, he drives his car to a petrol station where he fills up with petrol, and drives the car away without paying. Back in the car he drives through a red traffic light without noticing, nearly causing an accident. He is stopped by a police officer, Amir, who asks him to step outside the car for a breathalyser test. Rav punches Amir. He then gets back in his car and drives off at speed, not noticing Jimmi, who is crossing the road. Jimmi is killed in the resulting crash. Rav is arrested. He can remember nothing of what has happened.

Discuss Rav’s potential liability.

Would it make any difference to your answer if the reason for Rav’s mental condition was that he was voluntarily intoxicated?
6. Sue left home in 2012, aged 16, fleeing from abusive parents. She is now living with Bill, aged 25, who has introduced her to drugs and prostitution. Bill regularly forces Sue to give him her earnings. He is jealous and possessive and has beaten her on a number of occasions. Sue, a vulnerable girl, has often harmed herself as a means of coping. One night, fearing that Bill will beat her up as she has spent her daily earnings, Sue cuts her wrists. When Bill comes into the bedroom and sees what she has done, he taunts her saying she has made a pathetic job of slashing her wrists. Sue goes to the kitchen, gets a carving knife and returns to the bedroom, where she throws it at Bill. It strikes him in the eye and penetrates the brain, killing him instantly.

Discuss Sue’s potential liability for the death of Bill together with any defences she may raise.

7. Sunita and Barbara share a flat. One night Sunita finds Barbara kissing her boyfriend, Yuri. Sunita picks up a paperweight, raises it in the air and shouts at Barbara, "I'm going to kill you, you whore!" She then throws the paperweight at Barbara who ducks to avoid being hit. Barbara hits her head on a cupboard door, cutting her forehead.

Yuri is so angry that he pushes Sunita who falls backwards over a stool onto the floor and is knocked unconscious for a few seconds. When Sunita recovers consciousness, she is still dizzy and stumbles towards Barbara, knocking her onto the floor. Barbara suffers a fractured arm.

Later that evening, when Sunita is sleeping, Barbara takes a pair of scissors and cuts off Sunita’s hair.

Discuss the potential criminal liability of Sunita, Yuri and Barbara for the above incidents.
8. Roger, a butcher, is asked by Jane, a customer, if his meat and eggs are organic. He confirms this to Jane. In fact, he purchases all his produce from the organic counter of Aster supermarket and sells them having removed the Aster packaging.

One day, Roger takes his car to a garage for servicing. When he goes to collect the car, he finds the forecourt unmanned and his car unlocked, with the keys inside. Annoyed that his car has been so carelessly exposed to theft, he decides not to pay for the work and drives his car away. He then goes to a drive-in carwash. He finds that he has no money and so tries to put a foreign coin in the slot. The coin does not fit the slot and so he goes to the carwash next door. This time he is successful with his use of the foreign coin and his car is washed. He then goes to the cash desk and tells Victor, the cashier, what he has done and that he will return later to pay. He does not.

Discuss Roger's potential criminal liability.