

UNIVERSITY OF BOLTON

SCHOOL OF LAW

LLB LAW

SEMESTER 2 EXAMINATION 2023/24

CRIMINAL LAW

MODULE NO: LAW4019

Date: Tuesday 14th May 2024.

Time: 2.00 – 2.30 pm

INSTRUCTIONS TO CANDIDATES:

The multiple-choice section contains 30 questions, **ALL** of which should be attempted.

The examination amounts to 30% of your mark in this module.

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

MULTIPLE CHOICE QUESTIONS

PLEASE ANSWER THESE WITHIN YOUR EXAM PAPER BY SELECTING THE CORRECT ANSWER AND NOTING YOUR RESPONSE WITH A CAPITAL A, B, C OR D

EACH QUESTION IS WORTH 1 MARK

There is only ONE correct answer to each question. If you give more than one answer for any multiple-choice question you will receive NO marks for that question.

Answers must be completed in *the student answer book provided*. For example for question 1 write 1 in the left margin followed by the appropriate letter which indicates your answer (a. to d.) on the lined page – the example below demonstrates:

1	a
2	b
3	c
4	d
5	a

Should you wish to qualify your multiple choice answer, please write your qualification in the answer book. Make it clear which question your qualification applies to. Only perform this task if you truly believe it to be necessary.

ANY ANSWERS NOT WRITTEN IN THE ANSWER BOOK WILL NOT BE MARKED.

Please ensure that you write legibly so that there is no doubt what your answer is. It is advisable to answer in capital letters.

The answers expected refer to legal *terms of art*. Your answers should therefore relate to this professional vocabulary and not simply to the *general* meaning of words and expression.

Both question paper and answer book *must* be handed in at the end of the examination.

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

You must attempt ALL questions

- 1) Which one of the following are the two elements of a crime?
 - a) Guilty conscience and criminal tendencies
 - b) Guilty act and guilty mind
 - c) Guilty mind and thin skull rule
 - d) Punishment and rehabilitation

- 2) Which one of the following is not a part of the criminal justice system?
 - a) The Police Service
 - b) The Crown Prosecution Service
 - c) Fire Service
 - d) Magistrates' courts and Crown Courts.

- 3) Which one of the following has the burden of proof in a criminal trial?
 - a) The accused
 - b) The Jury
 - c) The prosecution
 - d) Witnesses

- 4) Which of the following Acts radically changed the sentencing framework?
 - a) The Criminal Justice Act 2003
 - b) The Sentencing and Prisons Act 2001
 - c) The Criminal Sentencing Act 2004
 - d) The Justice and Rehabilitation Act 2002

- 5) Which of the following cases expressed the principle that the accused in a criminal trial is presumed innocent until proven guilty?
 - a) *Woolmington v DPP* (1935)
 - b) *Fagan v Commissioner of Metropolitan Police* (1969)
 - c) *Kennedy* (No. 2) [2005]
 - d) *Re A* [2000]

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

- 6) Which of the following Acts gives effect in English law to the rights guaranteed in the European Convention of Human Rights and Fundamental Freedoms?
- a) The Criminal Justice Act 2003
 - b) The Fraud Act 2006
 - c) The Rights of the Persons Act 1997
 - d) The Human Rights Act 1998
- 7) What is the principle governing an intervening act which breaks the chain of causation?
- a) *Actus reus*
 - b) *Mens rea*
 - c) *Novus actus interveniens*
 - d) *Actus nova intervenes*
- 8) Which of the following cases involved the issue of whether the defendant foresaw a substantial risk of serious harm to the victim, his 3-month-old son, whom he threw four or five feet across the room causing him a fractured skull from which he died?
- a) *R v Maloney* (1985) 1 All ER 1025
 - b) *R v Nedrick* (1986) 1 WLR 1025
 - c) *R v Woollin* (1997) 1 Crim. App.R. 97
 - d) *R v Walker and Hayles* (1990) 90 Cr App R 226.
- 9) What is an offence of strict liability?
- a) An offence that requires mens rea but no actus reus
 - b) An offence created by statute
 - c) An offence that can only be tried before a jury
 - d) An offence which does not require mens rea to be proved in relation to one or more elements of the actus reus

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

- 10) Which Article of the European Convention on Human Rights (ECHR) upholds the principle of 'innocent until proven guilty'?
- a) Article 2(2)
 - b) Article 4(2)
 - c) Article 6(2)
 - d) Article 8(2)
- 11) The law relating to the defence of insanity is to be found in which rules?
- a) The Woollin rules
 - b) The Caldwell rules
 - c) The M'Naghten rules
 - d) The Majewski rules
- 12) Which one of the following is the leading case on intoxication?
- a) *AR v OGrady* [1987] QB 995
 - b) *DPP v Majewski* [1976] UKHL 2
 - c) *R v Tandy* [1989] 1 WLR 350
 - d) *R v Byrne* (1960) 2 QB 396
- 13) What is automatism?
- a) Where a person acts without the necessary *actus reus*
 - b) Where a person's mind is acting imperfectly and is still able to control his limbs in a purposive way
 - c) Where a person acts in a state of complete awareness
 - d) Where a person acts in a state of unconsciousness or impaired consciousness

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

- 14) In the case of *A-G for Northern Ireland v Gallagher* (1963) AC 349, what did Lord Denning state about Dutch courage?
- a) That if an accused intends to kill but gets himself drunk to make the kill, he can rely on intoxication as a defence as he does not have the necessary *mens rea*
 - b) That if an accused intends to kill but gets himself drunk to make the kill, he can rely on intoxication as a defence as he does not have the necessary *actus reus*
 - c) That if an accused intends to kill and then gets himself drunk for Dutch courage to make the kill, he cannot rely on intoxication as a defence to a charge of murder
 - d) That if an accused intends to kill and then gets himself drunk for Dutch courage to make the kill, he must show he was intoxicated to a certain level in order to be able to rely on intoxication as a defence to a charge of murder
- 15) A child under the age of ___ cannot be held criminally liable
- a) 10 years
 - b) 16 years
 - c) 12 years
 - d) 18 years
- 16) Which one of the following circumstances does not amount to involuntary intoxication?
- a) The accused is drugged by others or his drink is laced with alcohol
 - b) The accused takes drugs which have been medically prescribed for him in accordance with the instructions
 - c) The accused, without being reckless, takes a non-dangerous drug which was not prescribed for him
 - d) The accused drinks more than he normally would to "drown his sorrows" and when drunk commits an offence which he would never have contemplated committing when sober

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

- 17) What decision did the Lords make in *R v Howe* (1987) AC 417 which effectively reversed their decision in *Northern Ireland v Lynch* (1975)?
- a) Duress is a defence to murder but there must be a distinction made between principal and secondary parties
 - b) Duress is not a defence to murder whether as a principal or secondary party
 - c) Duress is a defence to murder only when the principal party has been charged with murder
 - d) Duress can always be used as a defence to murder
- 18) Which one of the following cases laid down test for the reasonableness of the force used?
- a) *R v. Howe* (1987) 2 WLR 568
 - b) *R v Gladstone Williams* (1984) 78 Cr. App.
 - c) *Attorney-General for Northern Ireland's Reference* (No.1 of 1975)
 - d) *Russell v Russell* (1987)
- 19) What is the defence of necessity?
- a) A situation where a person commits an offence to avoid a greater evil to himself or another which would ensue from the objective dangers arising from the circumstances in which he or that other are placed
 - b) A situation where a person is put under pressure to commit an offence otherwise they will suffer some harm
 - c) A situation where a person refuses to commit an offence which it is deemed necessary that they commit
 - d) A situation where a person commits an offence which a 'reasonable man' would think is necessary
- 20) Section 4(1) of the Homicide Act 1957 provides that a person who is involved in a suicide pact shall be convicted of what?
- a) Manslaughter
 - b) Murder
 - c) Attempted murder
 - d) Wounding or causing grievous bodily harm (GBH)

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

- 21) Which one of the following is not an element of the offence of gross negligence manslaughter?
- a) intentionally or recklessly doing an unlawful act
 - b) Duty of care owed by the defendant to the deceased.
 - c) Breach of the duty of care resulting in V's death
 - d) The breach of duty being grossly negligent.
- 22) Which one of the following is the offence/defence of infanticide?
- a) Is limited to the immediate family and the child must be under 18 months when killed
 - b) Is limited to the mother and father and the child must be under 6 months when killed
 - c) Is limited to the mother and the child must be under 12 months when killed
 - d) Is open to any person and there is no age restriction on the child when killed
- 23) Which one of the following statements about 'attempt' is incorrect?
- a) Oblique intention is sufficient for attempted murder
 - b) A defendant may not be convicted of an attempt to commit a summary offence under the Criminal Attempts Act 1981
 - c) Impossibility is a defence to an attempt
 - d) Whether or not the actus reus of attempt is present is a question of fact for the jury to decide
- 24) Which one of the following is not a mens rea requirement for conspiracy?
- a) Intention that the agreement be carried out and the substantive offence be committed
 - b) Intention to play an active part in carrying out the agreement
 - c) Intention to enter into an agreement
 - d) Intention or knowledge that the facts or circumstances which constitute the actus reus of the offence do or will exist

Please turn the next page

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

25) What offence did the Serious Crime Act abolish in 2007?

- a) Conspiracy
- b) Incitement
- c) Robbery
- d) Fraud

26) Which one of the following cannot be the victim of homicide?

- a) A 9-year-old boy
- b) A baby in the womb
- c) A person who is dying
- d) A person in prison

27) Applications for leave to appeal against decisions made by the Crown Court relating to criminal cases are dealt with by which one of the following courts?

- a) Supreme Court
- b) Court of Appeal Civil division
- c) Court of Appeal Criminal Division
- d) High Court

28) What does the term '*actus non facit reum, nisi mens sit rea*' mean?

- a) An act will not give rise to criminal liability unless it is done with a guilty mind
- b) An act is considered to be criminal if it is prohibited by statute or common law
- c) The defendant's mental state is far more important than the actual act
- d) An act which is prohibited by statute or common law will always give rise to criminal liability, irrespective of the defendant's state of mind

29) Which one of the following is NOT an actus reus requirement of murder?

- a) Unlawful killing
- b) Death within a year and a day
- c) Death of a human being
- d) Under the Queen's Peace

University of Bolton
School of Law
LLB Law
Semester 2 Examination 2023/24
Criminal Law
Module No: LAW4019

30) Which one of the following Acts gives effect in English law to the rights guaranteed in the European Convention of Human Rights and Fundamental Freedoms?

- a) The Criminal Justice Act 2003
- b) The Fraud Act 2006
- c) The Rights of the Persons Act 1997
- d) The Human Rights Act 1998

END OF QUESTIONS

PAST EXAMINATION