



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

SCOTS CRIMINAL LAW

Wednesday 9 AUGUST 2006

**1330 – 1630
(Three Hours)**

**Candidates should attempt any FIVE questions, with
at least ONE question taken from Section B.**

**Answers should be fully reasoned and supported by
adequate citation of authority in all cases.**

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SECTION A

1. How satisfactory is Scots criminal law relating to attempts?
2. What are the differences between the crimes of murder and culpable homicide?
3. Explain how the courts have interpreted the terms 'intention' and recklessness' in the criminal law of Scotland
4. How does Scots law define the crime of rape? How satisfactory is this definition?
5. To what extent does Scots law recognise intoxication as a defence to a criminal charge?
6. What is the scope of the crime of breach of the peace?

SECTION B

7. Malcolm has annoyed Zoe. She and her sister Yvonne decide that they want revenge. On Saturday morning Zoe scratches Malcolm's car using a metal nail. On Saturday evening, Yvonne puts a lit newspaper through Malcolm's letterbox, burning part of the door. She knows that Malcolm is at work at the time but does not realise that his wife, Judy, is at home. Judy sees Yvonne running away and is extremely angry. She grabs Yvonne by the arm and pulls her hair. Yvonne retaliates by punching Judy repeatedly in the stomach. Vincent, Judy's neighbour, sees this and pulls Yvonne away from Judy, breaking Yvonne's arm. Judy has a weak heart and collapses. Vincent calls on Pete, who is a nurse, to

assist Judy, but he ignores Vincent's pleas and Judy dies. Malcolm drowns his sorrows by engaging in an all-night drinking session. Early on Sunday morning, he goes to Yvonne's house and strangles her to death.

Which of the parties have attracted criminal liability and on what basis?

8. Tom walks up to Chris, an elderly man, in the street and points a gun at him, saying: "Give me your wallet or else." The gun is actually a water pistol, but Chris does not realise this. As he is taking the wallet out of his pocket he drops it. Tom stops to pick it up but as he is doing so Chris hits him on the head with his walking stick. Tom falls to the ground, strikes his head on the kerb and is knocked unconscious. Chris, who is very shortsighted, cannot find his wallet, and walks off to summon a policeman. Phyllis, who has been watching from the other side of the street runs up, picks up Chris's wallet and runs off with it. Chris returns with a policeman to find that Tom is seriously injured. Tom is rushed to hospital where it is discovered that he has suffered a massive brain haemorrhage, which subsequently causes paralysis to the entire left side of his body.

Consider the criminal liability (if any) of Tom, Chris and Phyllis.