



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

SCOTS CRIMINAL LAW

Wednesday 7 MAY 2008

**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. Explain how the criminal law of Scotland addresses the question of automatism.
2. How does Scots law define the term "recklessness"? Does the law adopt a consistent approach to the definition and use of this term?
3. Under what circumstances may a person be held guilty of a crime under Scots law for failing to act?
4. What are the differences between the crimes of murder and culpable homicide?
5. To what extent does Scots criminal law allow for strict liability?
6. What defences are available to a charge of assault?

SECTION B

7. Mary is active in an organisation dedicated to the abolition of nuclear weapons. On hearing that a United Kingdom government minister is due to give a lecture at Dunedin University advocating a significant expansion of the United Kingdom's nuclear weapons capability, she decides to carry out a demonstration outside the University building where the lecture is due to take place. She stands outside the building carrying a placard which states "Nuclear Weapons are immoral and illegal". She tries to hand out leaflets to a number of passers-by, none of whom seem interested in receiving a leaflet. She then tries to enter the lecture hall, but is refused admission because she is carrying the placard. She becomes very upset, shouts at the attendant at the door, calling him "a murderer" and "a criminal". The police are called and when they arrive she lies down on the pavement and refuses to move when asked to by the police. She is then arrested for committing a breach of the peace. On being arrested she says that everything she did was justified because nuclear weapons are illegal.

Advise Mary of her criminal responsibility (if any).

8. Helen and Jake are walking in the park one evening when they come across Toby who is wandering in the park very obviously under the influence of alcohol. Helen and Jake decide to rob him. Helen approaches Toby and asks him if he would like to have sex with her. As she does this Jake creeps up behind Toby and hits him over the head with a tree branch that he has just picked up, knocking him unconscious. They go through his pockets but don't find anything to steal. As they are running away from the scene, Helen tells Jake that she is shocked by what he did, saying that they had never agreed to use any kind of weapon. Jake admits this, but says that he just picked the branch on the spur of the moment. Toby dies of his injuries.

Discuss the criminal liability of Helen and Jake.

END