

SECTION A

1. What are the main features of the Corporate Manslaughter and Corporate Homicide Act 2007 as it applies to Scotland?
2. Explain, with reference to appropriate legal authorities, how (i) error of fact and error of law and (ii) motive may affect criminal liability.
3. What does it mean when an offence is said to be one of strict liability? How does it contrast with vicarious liability?
4. How satisfactory is Scots criminal law on:
 - (a) insanity as a defence;
 - (b) age of criminal responsibility?
5. What are the elements of the actus reus of the crime of assault?
6. What impact has the European Convention on Human Rights had on the definition of the crime of breach of the peace?

SECTION B

7. Alec is employed as a security guard at a local warehouse. His duties are to patrol the premises between the hours of 8.00 pm and 7.30 am, in order to maintain an appropriate level of security. One evening Alec turns up for work having had several pints of beer on his way to the warehouse. He lets himself in by a side door and in his drunken state he leaves the door unlocked. He settles down in a quiet corner of the warehouse where he quickly falls asleep. Meanwhile, Ben, who has observed Alec's entry to the warehouse, lets himself in by the unlocked door. He makes his way through the warehouse to the office of the Managing Director where, using a key he finds in a desk drawer, he opens the safe and removes £250 in cash. On the way out of the warehouse Ben throws away a lighted cigarette end. It lands in some waste paper which catches light. Because Alec is still asleep, the alarm is not raised until the building has been substantially damaged by the fire. Alec manages to escape but suffers severe burning.

Discuss the criminal liability, if any, of Alec and Ben.

8. Ken was drinking with Bill and Jane in Jane's flat. They started talking about using heroin, which Jane had never taken. Ken said he knew where he could

get hold of some. Bill gave Ken money to buy heroin and bring it back to the flat. One hour later Ken appeared back with the drug. He gave some to Bill, who injected himself with it. Jane said she did not know how to prepare or take it so Ken got the drug ready. Jane asked him if he could inject her with it, which he did. Jane later died as a result of the injected heroin.

On hearing of her death Jane's brother Dave decided that he would teach a lesson to drug dealers like Ken. He waited until Ken was away and went round to Ken's flat. He poured petrol through the letter box, stuffed newspaper through and lit it. Ken's flat, which was empty, was soon ablaze. However, an elderly neighbour, who Dave did not know about, lived in the flat above Ken's and died when the whole building went on fire.

Discuss the criminal liability, if any, of Ken, Bill, and Dave.