

**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

SCOTS CRIMINAL LAW

Wednesday 14 February 2024

**1300 – 1600
(Three Hours)**

(+10-minute Oral examination)

**Candidates should attempt any THREE 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.**

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

SECTION A

Question 1

Explain fully, citing authority as appropriate, the principles in Scots criminal law of the crimes of:

1. Fraud

and

2. Reser

Question 2

Outline fully the principles of the offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009 and explain the ways in which this offence is different to the offence of rape at common law in Scotland, citing authority as appropriate.

Question 3

Critically discuss how Scots criminal law addresses provocation where a person intentionally kills another person, citing authority as appropriate.

Question 4

Critically discuss how the particular characteristics of the victim of a crime or the victim's subsequent conduct affect the issue of causation in Scots criminal law, citing authority as appropriate.

END OF SECTION A

SECTION B

Question 5

Ibrahim, Sheldon, Ava and Maria are all taking a college course in water colour painting. For every piece of work which they have so far submitted, Maria has obtained the best mark in the class. Ibrahim, Sheldon and Ava are jealous of Maria's success and decide that they will make sure that this does not happen the next time. They agree to meet at the college the night before the next class when they know that Maria will have put her latest painting on display in readiness for marking. They agree that Ibrahim will keep watch outside the room; and that Ava will remove Maria's painting from the easel and hold it so that Sheldon can cut holes in it with a pair of scissors that he will bring.

Ibrahim, Sheldon and Ava all duly meet up the next night as agreed. Ava and Sheldon enter the room where the paintings are being displayed. Ibrahim waits outside as planned. However, he quickly decides that this was a bad idea and that he does not want to be involved any further. He goes home stopping only to send a text to Ava and Sheldon which reads "This isn't a good idea - I'm off!" Neither of them reads the text until much later. Ava and Sheldon both carry out the acts in relation to the painting as previously agreed.

Suddenly, Maria appears in the room and shrieks in horror when she sees the destruction caused to her painting. Sheldon rushes up to her shouting "I hate you and your stupid paintings!" He uses the scissors to stab her twice in the hand shouting "I bet you can't paint so well now!" Ava is utterly horrified by this turn of events. She had only wanted to damage Maria's painting. Ava calls an ambulance, waits with Maria until it arrives and puts pressure on the wound on her hand to try to stem the flow of blood. Maria is taken to the hospital, where the injury to her hand is treated, and she is released home the next day.

Which crimes in Scots law may have been committed by Ibrahim, Sheldon and Ava, and what is the likelihood of conviction of each? Give full reasons for your answer, citing authority as appropriate.

Question 6

Ezra is convinced that his colleague Tom has been spreading rumours about him in their workplace. One afternoon he goes upstairs to Tom's office and confronts him, but Tom denies having spread any rumours. This enrages Ezra, who grabs the empty glass Coca Cola bottle that is sitting on Tom's desk and smashes it over Tom's head. Tom suffers a severe laceration across his forehead and falls to the ground unconscious. As Tom is lying on the floor injured, Ezra notices that he is wearing an expensive looking signet ring. He pulls the ring from Tom's finger and puts it in his pocket, muttering "Serves you right – I'll take this as compensation for the damage you've caused to my reputation". He also notices that Tom's wallet has fallen out of his trouser pocket and is lying next to him on the floor. Ezra picks it up in order to take the cash from inside it. However, the wallet is empty, and he discards it on the floor.

After Ezra leaves Tom's office, he heads back downstairs. He meets another colleague, Marcus, on the landing of the stairwell a floor down. Marcus starts chatting to Ezra and mentions he is on his way upstairs for a meeting with Tom. Ezra realises Marcus will see what has happened and decides he needs to leave the office building urgently. He places his hand on Marcus's shoulder and forcefully pushes past him, shouting "Out my way – I'm in a

rush” as he races downstairs. Meanwhile Marcus staggers backwards, and as he does so he trips over his own briefcase and falls down the next flight of stairs. He is injured by the fall and rendered unconscious.

Both Tom and Marcus are discovered shortly afterwards by another colleague, who calls an ambulance. Once at the hospital Tom is treated for his serious head injury. He recovers, although he will be left with a visible scar across his forehead. Marcus is also treated for his injuries, which are considered by the consultant on duty to be serious but not life threatening. He is then left in the care of Cassie, a junior doctor. Cassie, who is tired from working overtime, does not read the consultant’s notes properly, and gives Marcus an injection which contains a painkiller that the notes state Marcus is severely allergic too. Marcus dies shortly afterwards.

Which crimes in Scots criminal law may have been committed by Ezra? Give full reasons for your answer, citing authority as appropriate.

END OF SECTION B

END OF QUESTION PAPER