



# **THE LAW SOCIETY OF SCOTLAND EXAMINATIONS**

## **SCOTS CRIMINAL LAW**

**Wednesday 10 August 2016**

**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.**

**LAW SOCIETY OF SCOTLAND  
EXAMINATIONS**

**SCOTS CRIMINAL LAW**

**10 August 2016  
(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.**

**SECTION A**

**Question 1**

Explain fully the current Scots law on the crime of breach of the peace discussing all relevant case law. In your view, in what ways (if at all) has the European Convention on Human Rights had an influence on the crime's development?

**Question 2**

Outline fully the principles of the crime of murder in Scots law citing authority as appropriate.

**Question 3**

Explain fully, with reference to authority as appropriate, the current Scots law on the partial defences to murder of provocation and of diminished responsibility.

#### **Question 4**

Explain fully the crimes of malicious mischief and of vandalism in Scots law, citing authority as appropriate.

#### **Question 5**

Set out fully the principles in Scots law of the crimes of:

- (i) Reset;
- (ii) Embezzlement; AND
- (iii) Fraud

In each case cite authority as appropriate.

#### **Question 6**

Set out fully the principles applied to causation in Scots criminal law, citing authority as appropriate.

**END OF SECTION A**

## **SECTION B**

### **Question 7**

Pete, Andrea and Boris are fed up with the fact that Shona always wins the annual Inverbogle cycling race. They agree to take her bicycle and hide it until the race is over so that she cannot compete in the 2016 event. On the agreed night, Andrea decides not to go ahead with the plan and sends an email to Pete and Boris which says "I'm out". Neither picks up the message until the next day.

Pete and Boris meet outside Shona's house where her bicycle is chained to a railing. Boris uses wire-cutters to cut the cable which secures the bicycle and Pete gets ready to cycle off on it. At that moment, Shona arrives home. Boris shouts at her that he hates her. He hits her over the head with the wire-cutters and runs off. Pete is completely horrified by this turn of events. He props the bicycle up against the railings and phones an ambulance. He does his best to stem the bleeding from Shona's head wound while he waits for the ambulance to arrive. Shona survives.

Which crimes in Scots law may have been committed by Pete, Andrea and/or Boris (whether individually or on an art and part basis) and why? Give full reasons for your answer citing authority as appropriate.

### **Question 8**

In August 2016, Ed is in the pub where he meets Paul. Paul is with a group of friends and pays little attention to Ed

beyond saying “hello”. Ed decides that he will have to take more drastic steps to get Paul to notice him. Ed secretly slips a substance, commonly known as a “date rape” drug, into Paul’s drink. When Paul goes to the toilet, Ed follows. Paul is having great difficulty staying awake and is not really aware of his surroundings. Ed takes advantage of Paul’s weakened state to insert his penis into Paul’s anus. Ed leaves when Paul’s friends come to look for him.

Ed is also annoyed with Jim, his former partner, for ending their relationship. The following day, he goes to Jim’s workplace with the purpose of causing as much distress and alarm to Jim as he can. Ed walks into Jim’s office, stands on a chair, removes his trousers and underwear and points to his bare genitals shouting at Jim, “Look what you’re missing”.

Ed lives in a ground floor flat. Later that week, while his upstairs neighbours are out, he drills through his ceiling into their bathroom and pushes through the hole a device which will allow him to watch them, from his flat, when they are using the lavatory or taking a shower. Ed finds it sexually arousing to observe others in these circumstances when they are unaware that anyone can see them.

Which offences in Scots criminal law may have been committed by Ed and why? Give full reasons for your answer, citing authority as appropriate.

**END OF QUESTION PAPER**