



THE LAW SOCIETY OF SCOTLAND  
QUALIFIED LAWYERS ASSESSMENT

**CRIMINAL LAW**

2 November 2020

1100 – 1200  
(One hour)

Candidates are required to answer ONE out of two questions.

Candidates should note that, in examination answers, they are expected to cite relevant authority.

## Question 1

Scott loves Halloween. Shopping in his local supermarket, he sees a skeleton costume which he thinks would be perfect for him. It is, however, expensive. The shop is very quiet, and Scott takes the costume off the shelf surreptitiously without anyone noticing. He manages to place it at the far side of one of the check-outs. He then queues and pays for his shopping at another check-out and sweeps the costume into his trolley as he exits the store. He resolves to wear it on Halloween and return it the next day.

He decides that he also needs several large pumpkins, but he does not want to pay for these either. He finds an old clown costume and puts this on. He goes back to the supermarket and tells a member of staff named Cassie that he works for a children's charity and would welcome a donation of pumpkins for Halloween. Cassie finds him convincing but asks for some identification. Scott flashes in front of her a Disney fan club membership card which has cartoon characters printed on it. Cassie almost hands over the pumpkins but then decides to show the card to her manager who examines it in detail and is highly suspicious. The manager blocks the handover of the pumpkins and Scott leaves the store quickly.

Leaving the supermarket, he is angry, and he is still wearing the clown outfit, which includes a mask which completely obscures his face. He climbs on to the roof of a car in the car park and starts shouting, while banging his feet on the roof. People turn to look, and he shouts, "Someone better get me a pumpkin ... or else". He is pleased that some people are alarmed and continues to behave in this way till supermarket security staff approach.

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

## Question 2

Annie went to school with Edward. She is unhappy to meet up with him again, by chance. Edward tells Annie that he has a job for her. It turns out that Edward wants Annie to take part in a bank robbery due to take place in a week's time. Edward tells Annie that, if she says "no", Edward will break her legs and that he'll arrange a car crash for her partner. Annie was afraid of Edward at school and believes all that he says about injuring her and her partner. She is terrified and does as he says which involves going to the bank wearing a stocking mask and threatening staff and customers with a replica firearm while Edward takes money from a cashier.

She is so shaken by the experience that, when she returns home, she finds her partner's anti-anxiety medication and takes two tablets. The instructions on the bottle clearly state that one tablet is to be taken when required. The medication makes her feel very strange and she goes out for a walk to clear her head. While she is out, she feels that she must scratch the paintwork off all yellow cars parked nearby. She is vaguely aware that this is wrong, but she is unable to stop herself.

Her walk takes her along the river. It has been raining heavily for days and the water is running very high. She overhears people saying that the river is in danger of bursting its banks. She is afraid that she will be swept into the water. She sees a bicycle lying beside the path. She takes it and cycles off so that she can get off the river path more quickly. She ignores the bike's owner who shouts at her to give it back. Once away from the river, she decides to cycle all the way home because this will be quicker than walking.

Annie has been charged with robbery in relation to the incident in the bank, vandalism (under s 52 of the Criminal Law (Consolidation) (Scotland) Act 1995) for the damage to the yellow cars and theft of the bicycle. Which **defences** in Scots criminal law might be available to her and why? Give full reasons for your answer, citing authority as appropriate.

**END OF QUESTION PAPER**