



THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

CRIMINAL LAW

10 May 2021

1030 – 1200
(90 minutes)

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

Sylvia lives in a rural village which hosts a summer fete each year. As part of the fete there is a competition with a £100 prize for the person who enters the “heaviest home-grown courgette”. Sylvia does not like gardening but wants to win the prize money. She buys a courgette in the supermarket. Once at home, she removes one end of the courgette and hollows it out. She then fills it with sand and superglues the end back on. Pleased with her creative efforts, Sylvia takes the courgette to the fete and deposits it with the competition organiser. He does not, to Sylvia’s relief, ask any questions about the courgette or its origins. At the end of the fete, all of the courgettes entered are weighed by the judges. Sylvia wins the competition and is awarded the prize money.

After the fete Sylvia walks home. Bridget, who lives nearby, invites Sylvia into her house for a glass of champagne. Sylvia enters and walks past Bridget, who is holding the door open for her. Bridget has already started making conversation about the competition. Sylvia wants to leave because she does not want to answer any questions about her prize-winning courgette, but Bridget happens to be standing between her and the door. Sylvia places her hand on Bridget’s shoulder and forcefully pushes her out of the way, before running out of the house. Bridget, who is elderly and has a weak heart, falls backwards against the wall and suffers a stress-induced heart attack. She dies instantly.

Meanwhile, Sylvia continues walking home but is feeling increasingly worried about the events of the day. She is so preoccupied that she does not notice Monica, a tourist from Canada who is visiting the village, walking towards her. They nearly walk into one another, but the clash is avoided when Monica moves out of the way. Monica says a polite hello to Sylvia. Startled and annoyed, Sylvia utters several swear words, and shakes her fist in the air while shouting angrily at Monica: “Stay out of my way or you’ll be sorry! Actually, every single person in this village needs to stay out of my way or they’ll be sorry!” Although other people on the street appear to be shocked, Monica, who normally works as a police officer in Canada, is not alarmed and tries to calm Sylvia down.

Advise on Sylvia’s liability under Scots criminal law. Give full reasons for your answer, citing authority as appropriate.

Question 2

Max is married to Martina, who is, unbeknownst to Max, having an affair with her colleague Clive. One morning Martina is at work and decides to tell Max the truth. She telephones Max, who is at home, and informs him that she is having a sexual relationship with Clive and that she plans to leave him to be with Clive.

Max is very upset and angry at this news. He sits at home for a couple of hours pondering what to do and eventually decides to go to the office to confront Martina and Clive. Before leaving the house, he grabs a knife from the kitchen. Once outside he remembers that his car is in the garage as it is being repaired. However, he notices a bicycle leaning against the front porch of his neighbour Kevin's house. Max shouts "Can I take your bicycle" to Kevin, who happens to be outside in his garden. Kevin refuses, replying that he needs to use the bicycle later that day. Max jumps on the bicycle anyway and, as he cycles away, he shouts over his shoulder, "Don't worry Kevin - I'll bring it back at some point!"

Max cycles to the office building where Martina and Clive work, and he takes the elevator up to the office floor on which they work. When he exits the elevator, he is enraged to see the two of them standing in conversation, and marches over. He stabs Martina in the chest with the knife, and she dies almost immediately. He then stabs Clive in the neck. Although Clive is critically injured, he survives. As Clive is lying on the floor injured, Max notices that Clive's wallet has fallen out of his pocket and is lying next to him on the floor. He takes a £20 note from Clive's wallet, muttering "serves you right", before exiting the building.

Advise on Max's liability under Scots criminal law. Give full reasons for your answer, citing authority as appropriate.

END OF QUESTION PAPER