THE LAW SOCIETY OF SCOTLAND
QUALIFIED LAWYERS ASSESSMENT

CRIMINAL LAW

9 May 2022
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

Eliza is out for a walk in the suburbs, when she notices a man walking behind her on the street carrying a baseball bat. She crosses the street, and notices that the man does too. She becomes convinced that he is following her and thinks that he plans to attack her. There is no one else on the street, and she does not have any mobile phone signal. However, Eliza spots a bicycle propped against a garden fence. Reasoning that she will get away faster with that, she jumps on to the bicycle and pedals off. Looking over her shoulder, she notices almost immediately that the man has gone inside a house, but she carries on cycling for several kilometres until she gets back to the town centre.

Eliza is cycling down the high street when Sandra steps out in front of her. She is not pleased to see Sandra, with whom she used to go to school with, all of these years later. Sandra tells Eliza that she has a job for her. It turns out that Sandra wants Eliza to take part in the robbery of a jewellery shop the next day. Sandra tells Eliza that, if she says “no”, she will sneak into Eliza and her husband’s house one night while they are sleeping and “break all of their bones”. Eliza was afraid of Sandra when they were at school and believes all that she says about injuring her and her husband. She does not want this to happen, so she meets up with Sandra the next day and follows her instructions. This involves Eliza going into the jewellery shop wearing a mask and threatening staff and customers with a replica firearm, while Sandra takes the jewellery from the display cabinet.

When Eliza eventually gets home after the incident at the jewellery shop, she is still shaken by the experience. Eliza’s husband can see that she is distressed, although he does not know why. He makes her a cup of tea and, without her knowledge, dissolves two of the anti-anxiety tablets he has been prescribed by the doctor into the cup of tea (even though the instructions state that only one tablet is to be taken at a time). He thinks that this will help to calm her down. Eliza feels very strange immediately after that. She goes outside, takes a cricket bat from the garden shed and uses it to start smashing her neighbour’s collection of ceramic garden ornaments. She is vaguely aware that this is wrong, but she feels that she is unable to stop herself.

Eliza has been charged with the theft of the bicycle, robbery in relation to the incident at the jewellery shop, and vandalism of the garden ornament collection. Which defences in Scots criminal law might be available to her and why? Give full reasons for your answer, citing authority as appropriate.
Question 2

Jeremy is married to Clara, who is, unbeknownst to Jeremy, having an affair with her colleague Robert. One morning Clara is at work and decides to tell Jeremy the truth. She telephones Jeremy, who is at home, and informs him that she is having a sexual relationship with Robert and that she plans to leave him to be with Robert. Jeremy is very upset and angry at this news. He sits at home for several hours pondering what to do and eventually decides to go to the office where Clara and Robert work to confront them. Before leaving the house, he grabs a knife from the kitchen.

On arriving at the office building in which Clara and Robert work, Jeremy notices that there is a CCTV camera above the front door. He decides he needs to wear a baseball cap, which will hide his face, when he enters the building. He crosses the street into the park, and waits in the bushes until he sees Joe, who is wearing a cap, walking past. He jumps out from behind the bushes brandishing the kitchen knife and shouts: “Hand over the cap or you are dead”. Joe shrieks in fear and removes the cap, before handing it to Jeremy and running away.

Jeremy then enters the office building and takes the stairs up to the floor on which Clara and Robert work. When he arrives, he is enraged to see the two of them standing in conversation, and marches over. He stabs Clara in the chest with the knife, and she dies almost immediately. He then stabs Robert in the neck. Although Robert is critically injured, he survives. Jeremy heads back down the stairs, throwing the knife in a rubbish bin he passes. On the next floor down, Jeremy meets Michael, another office worker, on the landing of the stairwell. Michael asks Jeremy what he is doing in the office building. Jeremy does not want to answer this question, so he grabs Michael’s arm and twists it to try to make him get out of the way. Michael tries to break free from Jeremy’s grip, but as he does so he loses his balance and falls down the next flight of stairs. He bangs his head on the concrete wall at the bottom of the stairs and dies instantly.

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

END OF QUESTION PAPER