

THE LAW SOCIETY OF SCOTLAND  
QUALIFIED LAWYERS ASSESSMENT

**CRIMINAL LAW**

9 May 2023

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

Sean is convinced that his colleague Gavin has been spreading rumours about him in their workplace. One afternoon he goes upstairs to Gavin's office and confronts him, but Gavin denies having spread any rumours. This enrages Sean, who grabs the empty glass Coca Cola bottle that is sitting on Gavin's desk and smashes it over Gavin's head. Gavin suffers a severe laceration across his forehead and falls to the ground unconscious. As Gavin is lying on the floor injured, Sean notices that he is wearing an expensive looking signet ring. He pulls the ring from Gavin's finger and puts it in his pocket, muttering "serves you right – I'll take this as compensation for the damage you've caused me". He also notices that Gavin's wallet has fallen out of his trouser pocket and is lying next to him on the floor. Sean 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 Sean leaves Gavin's office, he heads back downstairs. He meets another colleague, Max, on the landing of the stairwell a floor down. Max starts chatting to Sean and mentions he is on his way upstairs for a meeting with Gavin. Sean realises Max will see what has happened and decides he needs to leave the office building urgently. He places his hand on Max's shoulder and forcefully pushes past him, shouting "Out my way – I'm in a rush" as he races downstairs. Meanwhile Max 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 Gavin and Max are discovered shortly afterwards by another colleague, who calls an ambulance. Once at the hospital Gavin is treated for his serious head injury. He recovers, although he will be left with a visible scar across his forehead. Max 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 Jared, a junior doctor. Jared, who is tired from working overtime, does not read the consultant's notes properly, and gives Max an injection which contains a painkiller that the notes state Max is severely allergic too. Max dies shortly afterwards.

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

## Question 2

Sadie 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, Sadie 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.

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

When Sadie eventually gets home after the incident at the jewellery shop, she is still shaken by the experience. Sadie’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. Sadie 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.

Sadie 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.

**END OF QUESTION PAPER**