

**THE UNIVERSITY OF THE SOUTH PACIFIC
UNIVERSITY EXTENSION**

**EXTENSION STUDIES EXAMINATION PAPER
SEMESTER 1/2004**

TITLE/COUSE CODE:	LAC08 CRIMINAL LIABILITY
TOTAL TIME ALLOWED:	3 HOURS
TOTAL NUMBER OF PAGES:	2
MARK VALUE:	(60% (TOTAL MARKS FOR THE EXAM PAPER))
NUMBER FOR QUESTIONS:	7
NUMBER OF QUESTIONS TO BE ANSWERED:	5
<u>NOTES TO CANDIDATES</u>	
<ol style="list-style-type: none">1. ANSWER ANY FIVE QUESTIONS.2. Marks for each question are indicated.3. Support your answers by giving reasons and relevant legislation or cases.4. Candidates may take into the examination room unnoted copies of Reader of Cases and the Reader of Statutes only, and <u>NOT</u> the Course book.5. This exam is worth 60% of the total marks for the course.	

ANSWER ANY FIVE QUESTIONS

QUESTION ONE

Discuss the extent to which Customary Law is recognized and applied by the Courts in relation to the Criminal Law of **at least one** regional country. (12 marks)

QUESTION TWO

- (a) Describe the possible actus reus and mens rea elements in the following offence. A person who steals, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries anything capable of being stolen with intent, at the time of such taking, to permanently deprive the owner. (6 marks)
- (b) Mosese asks a browser attendant to fill the petrol tank of his BMW Car with petrol. The attendant fills the tank with petrol and Mosese drives off without paying. Discuss Mosese's liability. (6 marks)

QUESTION THREE

- (a) Describe the scope of the mistake of fact defence in one regional country. Using examples, discuss using relevant statute and case law to support your arguments. (6 marks)
- (b) What is the basis for a plea of intoxication as a defence in criminal law? (6marks)

QUESTION FOUR

- (a) Describe the scope of the defence of provocation in one regional country. (6 marks)
- (b) What is the basis for a plea of self-defence in a criminal matter? (6marks)

QUESTION FIVE

- (a) What is the standard and burden of proof in criminal and civil matters? Make reference to relevant case law and statutes. (6 marks)
- (b) What is the difference between a factual defence and a legal defence? Give examples of each. (6marks)

QUESTION SIX

During a rugby match, a player was struck on the head by the right forearm of an opposition team player. This incident occurred during a fight, in breach of the game rules, on the playing field. The victim fell on the ground and suffered severe head injuries. Discuss whether or not any criminal liability arises as a result of the incident. (12 marks)

QUESTION SEVEN

Betty finds a lady's golden ring inside a jewelry shop. She went outside the shop and sold the ring to another woman. The security guard has seen all of this. Discuss what charges if any, may be brought against Betty under the laws of your country of choice. (12marks)