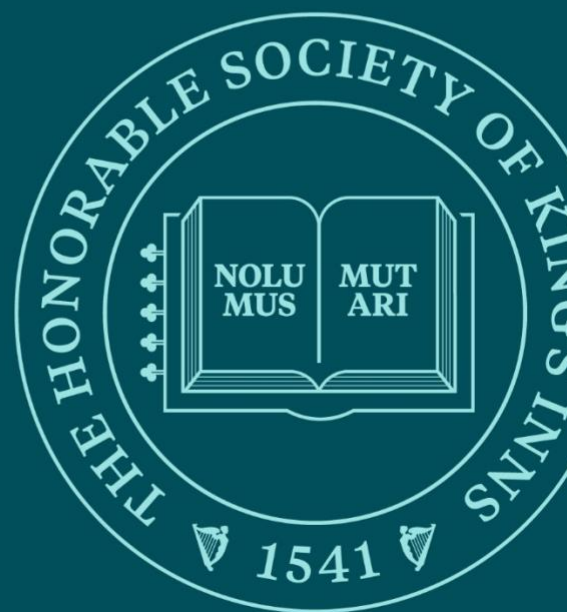


DEGREE OF BARRISTER-AT-LAW ENTRANCE EXAMINATION 2023 – CRIMINAL LAW

OFFICE OF THE REGISTRAR
APRIL 2023

KINGS
INNS¹⁵₄₁

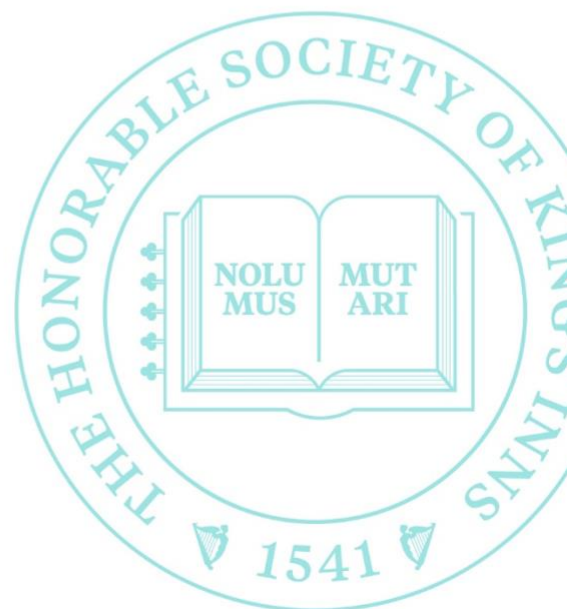


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EXAMINER: MR TOM O'MALLEY, NUI GALWAY

EXTERN: THE HONORABLE MR MICHAÉL P. O'HIGGINS, SC



CRIMINAL LAW

Syllabus 2023.

Purpose of examination

The purpose of this examination is to test the ability of candidates to apply basic legal skills to criminal law problems and issues. It is assumed that students taking this examination will already have successfully completed examinations in criminal law at university level (or equivalent), or in the King's Inns diploma programme. Essentially, students will be required to demonstrate that they recognise the central legal issues involved in the questions set, and that they can apply the appropriate principles as set out in the leading cases and relevant statutes. While the examination is primarily a test of reasoning rather than memory, students are required to demonstrate: (a) the capacity to identify and analyse the salient facts of problem questions in a lawyerly fashion; (b) a competent knowledge of the relevant legislation and case law; (c) an ability to apply the relevant law to the facts of the case; and (d) an ability to frame their answers in logically-structured, clear and concise terms.

Note

When studying the law in relation to non-fatal offences against the person, property offences and sexual offences, students must have regard to the appropriate legislation such as the Non-Fatal Offences Against the Person Act 1997, the Criminal Justice (Theft and Fraud Offences) Act 2001, and the various Acts governing the particular sexual offences listed on the syllabus (subject to what is said below in relation to the Criminal Law (Sexual Offences) Act 2017). In relation to the defence of infancy, students should have regard to section 52 of the Children Act 2001 as substituted section 129 by the Criminal Justice Act 2006 (which must be read in conjunction with section 134 of the 2006 Act) while the Criminal Law (Insanity) Act 2006, as amended, must be obviously be studied in relation to insanity and diminished responsibility.

Students taking the criminal law examination in 2023 are expected to be familiar with the following sections only of the Criminal Law (Sexual Offences) Act 2017: section 48 which deals with consent, sections 16 and 17 which deal with sexual acts with children under the ages of 15 and 17 years, and sections 3 to 8 (inclusive) which create new child abuse offences. They should also be familiar with sections 2 to 4 (inclusive) of the Harassment, Harmful Communications and Related Offences Act 2020.

Criminal procedure and sentencing are not on the syllabus for this examination.

Examinable topics

Students are expected to have studied the following topics:

A. Criminal Liability

1. The *actus reus*, with particular reference to the requirement of voluntariness and the defence of automatism
2. Causation, with particular reference to homicide offences.
3. Liability for omissions
4. *Mens rea*: intention, recklessness, knowledge.
5. Insanity and diminished responsibility
6. Infancy
7. Provocation
8. Duress and necessity
9. Self-defence and defence of others.
10. The impact of intoxication on criminal liability
11. Inchoate offences
11. Strict liability offences.

B. Offences

12. Murder and manslaughter.
13. Offences contrary to sections 2, 3, 4, 5, 10 and 13 of the Non-Fatal Offences against the Person Act, 1997.
14. Rape, sexual assault, aggravated sexual assault and incest.
15. Offences contrary to sections 2 and 3 of the Criminal Law (Sexual Offences) Act 2006 as substituted by sections 16 and 17 of the Criminal Law (Sexual Offences) Act 2017.

16. Offences contrary to sections 3 to 8 (inclusive) of the Criminal Law (Sexual Offences) Act 2017.
17. Offences contrary to sections 2 to 4 (inclusive) of the Harassment, Harmful Communications and Related Offences Act 2020.
18. Theft and deception (sections 4, 6, 7 and 8 of the Criminal Justice (Theft and Fraud Offences) Act 2001).
19. Burglary, aggravated burglary and robbery (sections 12, 13 and 14 of the Criminal Justice (Theft and Fraud Offences) Act 2001).
20. Handling and possessing stolen property (sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act 2001).
21. Offences contrary to sections 11, 13, and 17 of the Criminal Justice (Public Order) Act 1994.
22. Criminal damage contrary to s. 2 of the Criminal Damage Act 1991.

Reading Material

In studying for the topics included in the above syllabus, students will find the following textbooks and reports particularly helpful.

Campbell, Kilcommmins and O'Sullivan, *Criminal Law in Ireland: Cases and Commentaries*, 2nd ed. (Dublin, 2020).

Charleton and McDermott, *Criminal law and Evidence*, 2nd ed. (Dublin, 2020)

Hany, *An Introduction to Irish Criminal Law* 3rd ed. (Dublin, 2015).

McAuley and McCutcheon, *Criminal Liability*, 2nd ed (Dublin, 2022).

McIntyre, McMullan and O Toghda, *Criminal Law* (Dublin, 2012)

Ormerod and Laird, *Smith, Hogan and Ormerod's Criminal Law*, 16^h ed. (Oxford University Press, 2021).

Horder, *Ashworth's Principles of Criminal Law*, 9th ed. (Oxford University Press, 2019).

Simester *et al.*, *Simester and Sullivan's Criminal Law: Theory and Doctrine*, 8th ed. (Oxford: Hart Publishing, 2022).

Herring, *Criminal Law: Text, Cases and Materials* 8th ed. (Oxford University Press, 2018).

O'Malley, *Sexual Offences* 2nd ed. (Dublin, 2013).

McGreal, *Criminal Justice (Theft and Fraud Offences) Act, 2001* (Annotated Statute) (2nd ed., Dublin, 2011).

Law Reform Commission *Report on Murder and Involuntary Manslaughter* (2008)

Law Reform Commission, *Consultation Paper on Duress and Necessity* (2007)

Law Reform Commission, *Consultation Paper on Legitimate Defence* (2006)

Law Reform Commission, *The Plea of Provocation* (October 2003).

Law Reform Commission, *Report on Inchoate Offences* (2010).

Law Reform Commission, *Report on Murder and Involuntary Manslaughter* (2008).

Law Reform Commission, *Report on Defences in Criminal Law* (2009).

Students will also find it helpful to consult the annotations to certain key criminal law statutes in *Irish Current Law Statutes Annotated*, such as the Criminal Justice (Theft and Fraud Offences) Act, 2001, the Non-Fatal Offences against the Person Act, 1997 and the Criminal Justice (Public Order) Act, 1994, the Criminal Law (Insanity) Act 2006 and others. Other sources which students will find helpful include the *Criminal Law Review* which has been published monthly in England since 1954 and which includes, in addition to articles, expert analyses of all the leading English cases. These analyses are to be found in the “Case and Comment” section of each issue. The *Irish Criminal Law Journal* is particularly useful in relation to developments in Irish criminal law, though other journals such as the *The Bar Review* are also useful for this purpose. Needless to say, regard should always be had to the leading academic law journals, especially the *Irish Jurist* and *Dublin University Law Journals* for more detailed and analytical writing on many aspects of our law, including the criminal law.

The various reports and consultation papers published by the Law Reform Commission and listed above as recommended reading provide excellent treatment of the various subject areas with which they deal. All are freely available on the Commission’s website.

Examination Format 2023.

The examination will be of 3 hours duration.

There will be 5 questions on the examination paper.

Candidates will be required to answer the first question which carries 50% of the marks and any two of the remaining questions each of which carries 25% of the marks.

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