

# Cambridge International AS & A Level

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**LAW****9084/22**

Paper 2 Criminal Law

**May/June 2025****MARK SCHEME**Maximum Mark: 60

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**Published**

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes should be read in conjunction with the question paper and the Principal Examiner Report for Teachers.

Cambridge International will not enter into discussions about these mark schemes.

Cambridge International is publishing the mark schemes for the May/June 2025 series for most Cambridge IGCSE, Cambridge International A and AS Level components, and some Cambridge O Level components.

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This document consists of **17** printed pages.

**Generic Marking Principles**

These general marking principles must be applied by all examiners when marking candidate answers. They should be applied alongside the specific content of the mark scheme or generic level descriptions for a question. Each question paper and mark scheme will also comply with these marking principles.

**GENERIC MARKING PRINCIPLE 1:**

Marks must be awarded in line with:

- the specific content of the mark scheme or the generic level descriptors for the question
- the specific skills defined in the mark scheme or in the generic level descriptors for the question
- the standard of response required by a candidate as exemplified by the standardisation scripts.

**GENERIC MARKING PRINCIPLE 2:**

Marks awarded are always **whole marks** (not half marks, or other fractions).

**GENERIC MARKING PRINCIPLE 3:**

Marks must be awarded **positively**:

- marks are awarded for correct/valid answers, as defined in the mark scheme. However, credit is given for valid answers which go beyond the scope of the syllabus and mark scheme, referring to your Team Leader as appropriate
- marks are awarded when candidates clearly demonstrate what they know and can do
- marks are not deducted for errors
- marks are not deducted for omissions
- answers should only be judged on the quality of spelling, punctuation and grammar when these features are specifically assessed by the question as indicated by the mark scheme. The meaning, however, should be unambiguous.

**GENERIC MARKING PRINCIPLE 4:**

Rules must be applied consistently, e.g. in situations where candidates have not followed instructions or in the application of generic level descriptors.

**GENERIC MARKING PRINCIPLE 5:**

Marks should be awarded using the full range of marks defined in the mark scheme for the question (however; the use of the full mark range may be limited according to the quality of the candidate responses seen).

**GENERIC MARKING PRINCIPLE 6:**

Marks awarded are based solely on the requirements as defined in the mark scheme. Marks should not be awarded with grade thresholds or grade descriptors in mind.

**Social Science-Specific Marking Principles  
(for point-based marking)****1 Components using point-based marking:**

- Point marking is often used to reward knowledge, understanding and application of skills. We give credit where the candidate's answer shows relevant knowledge, understanding and application of skills in answering the question. We do not give credit where the answer shows confusion.

From this it follows that we:

- a** DO credit answers which are worded differently from the mark scheme if they clearly convey the same meaning (unless the mark scheme requires a specific term)
- b** DO credit alternative answers/examples which are not written in the mark scheme if they are correct
- c** DO credit answers where candidates give more than one correct answer in one prompt/numbered/scaffolded space where extended writing is required rather than list-type answers. For example, questions that require  $n$  reasons (e.g. State two reasons ...).
- d** DO NOT credit answers simply for using a 'key term' unless that is all that is required. (Check for evidence it is understood and not used wrongly.)
- e** DO NOT credit answers which are obviously self-contradicting or trying to cover all possibilities
- f** DO NOT give further credit for what is effectively repetition of a correct point already credited unless the language itself is being tested. This applies equally to 'mirror statements' (i.e. polluted/not polluted).
- g** DO NOT require spellings to be correct, unless this is part of the test. However spellings of syllabus terms must allow for clear and unambiguous separation from other syllabus terms with which they may be confused (e.g. Corrasion/Corrosion)

**2 Presentation of mark scheme:**

- Slashes (/) or the word 'or' separate alternative ways of making the same point.
- Semi colons (;) bullet points (•) or figures in brackets (1) separate different points.
- Content in the answer column in brackets is for examiner information/context to clarify the marking but is not required to earn the mark (except Accounting syllabuses where they indicate negative numbers).

**3 Calculation questions:**

- The mark scheme will show the steps in the most likely correct method(s), the mark for each step, the correct answer(s) and the mark for each answer
- If working/explanation is considered essential for full credit, this will be indicated in the question paper and in the mark scheme. In all other instances, the correct answer to a calculation should be given full credit, even if no supporting working is shown.
- Where the candidate uses a valid method which is not covered by the mark scheme, award equivalent marks for reaching equivalent stages.
- Where an answer makes use of a candidate's own incorrect figure from previous working, the 'own figure rule' applies: full marks will be given if a correct and complete method is used. Further guidance will be included in the mark scheme where necessary and any exceptions to this general principle will be noted.

**4 Annotation:**

- For point marking, ticks can be used to indicate correct answers and crosses can be used to indicate wrong answers. There is no direct relationship between ticks and marks. Ticks have no defined meaning for levels of response marking.
- For levels of response marking, the level awarded should be annotated on the script.
- Other annotations will be used by examiners as agreed during standardisation, and the meaning will be understood by all examiners who marked that paper.

**Annotations guidance for centres**

Examiners use a system of annotations as a shorthand for communicating their marking decisions to one another. Examiners are trained during the standardisation process on how and when to use annotations. The purpose of annotations is to inform the standardisation and monitoring processes and guide the supervising examiners when they are checking the work of examiners within their team. The meaning of annotations and how they are used is specific to each component and is understood by all examiners who mark the component.

We publish annotations in our mark schemes to help centres understand the annotations they may see on copies of scripts. Note that there may not be a direct correlation between the number of annotations on a script and the mark awarded. Similarly, the use of an annotation may not be an indication of the quality of the response.

The annotations listed below were available to examiners marking this component in this series.

**Annotations**

| Annotation                                                                          | Meaning                                                                |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|
|    | Unclear                                                                |
|    | Accurate                                                               |
|  | Benefit of the doubt                                                   |
|  | Subordinate clause / consequential error                               |
|  | Incorrect point                                                        |
|  | Evaluation                                                             |
|  | Dynamic, Horizontal Wavy line that can be expanded                     |
| Highlighter                                                                         | Highlight                                                              |
|  | Two statements are linked                                              |
|  | Not answered question                                                  |
| Off page comment                                                                    | Off Page Comment                                                       |
|  | Repeat                                                                 |
|  | Indicates that the point has been noted, but no credit has been given. |
|  | Indicates that the point has been noted, but no credit has been given  |
|  | Correct point                                                          |
|  | Dynamic, Vertical Wavy line that can be expanded                       |

**Guidance on using levels-based mark schemes**

Marking of work should be positive, rewarding achievement where possible, but clearly differentiating across the whole range of marks, where appropriate.

The marker should look at the work and then make a judgement about which level statement is the best fit. In practice, work does not always match one level statement precisely so a judgement may need to be made between two or more level statements.

Once a best-fit level statement has been identified, use the following guidance to decide on a specific mark:

- If the candidate's work **convincingly** meets the level statement, award the highest mark.
- If the candidate's work **adequately** meets the level statement, award the most appropriate mark in the middle of the range (where middle marks are available).
- If the candidate's work **just** meets the level statement, award the lowest mark.

**Assessment objectives****AO1 Knowledge and understanding**

- Demonstrate knowledge and understanding of legal concepts, principles and rules.
- Use statutes, cases, examples and legal terminology.

**AO2 Analysis and application**

- Analyse legal concepts, principles and rules.
- Apply legal concepts, principles and rules.

**AO3 Evaluation**

- Evaluate legal concepts, principles and rules.
- Communicate legal argument coherently on the basis of evidence.

**Section A****Table A**

Use this table to give marks for each candidate response for **Question 1(a), (b) and (c)**.

| <b>Level</b> | <b>AO1 Knowledge and understanding<br/>2 marks</b>                                                                                 | <b>AO2 Analysis and application<br/>8 marks</b>                                                                                                                                                     |
|--------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <b>Description</b>                                                                                                                 | <b>Description</b>                                                                                                                                                                                  |
| <b>3</b>     |                                                                                                                                    | <b>8 marks</b> <ul style="list-style-type: none"> <li>Analysis leading to a developed and logical conclusion.</li> <li>Application which is fully developed.</li> </ul>                             |
| <b>2</b>     | <b>2 marks</b> <ul style="list-style-type: none"> <li>Identification and accurate citation of most of the relevant law.</li> </ul> | <b>3–5 marks</b> <ul style="list-style-type: none"> <li>Analysis leading to a conclusion which may or may not be entirely appropriate.</li> <li>Application which is partially developed</li> </ul> |
| <b>1</b>     | <b>1 mark</b> <ul style="list-style-type: none"> <li>Identification and citation of some relevant law.</li> </ul>                  | <b>1–2 marks</b> <ul style="list-style-type: none"> <li>Analysis leading to a basic conclusion without reasoning or no conclusion.</li> <li>Application which is basic.</li> </ul>                  |
| <b>0</b>     | <b>0 marks</b> <ul style="list-style-type: none"> <li>No creditable content</li> </ul>                                             | <b>0 marks</b> <ul style="list-style-type: none"> <li>No creditable content.</li> </ul>                                                                                                             |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Marks |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1(a)     | <p><b>Explain how the source material will apply to Gerald.</b></p> <p>Use <b>Table A</b> to mark candidate responses to this question.<br/> AO1 out of 2 marks.<br/> AO2 out of 8 marks.</p> <p><b>Indicative content</b><br/> Responses may include:</p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>• S2(1)(c) is the relevant section which could lead to a s1 conviction.</li> <li>• Reference to s6, <i>R v Lloyd (1985)</i> and/or <i>R v Small (1987)</i>.</li> </ul> <p><b>AO2 Analysis and application</b><br/> Analysis:</p> <ul style="list-style-type: none"> <li>• Gerald may fall within s2(1)(c) and so may not be dishonest.</li> <li>• Driving the car may or may not be equivalent to an outright taking.</li> <li>• Application:</li> <li>• Gerald decided to use a car which is not his.</li> <li>• As Gerald believes the car has been abandoned he is not dishonest as long as his belief is genuine – <i>R v Small (1987)</i>.</li> <li>• There is no requirement for his belief to be reasonable and he has taken reasonable steps by waiting one month from when he notices the car to when he drives it.</li> <li>• Although Gerald put the car back and he replaces the fuel he has treated it as his own.</li> <li>• This can amount to an outright taking and so he has a s6 intention to permanently deprive.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• Gerald may say that as he put the car back after two weeks and replaced the fuel there was no outright taking</li> <li>• This means he does not have a s6 intention to permanently deprive.</li> <li>• Gerald is or is not guilty of theft.</li> </ul> <p>Accept all valid responses – candidates can apply s6 in either of two ways but to gain marks the reasoning must be logical and for maximum marks a conclusion reached. Candidates can be credited for reasoning based on not being able to return the car in its original state due to it being driven for two weeks.</p> | 10    |
|          | AO1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 2     |
|          | AO2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 8     |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Marks |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1(b)     | <p><b>Explain how the source material will apply to Carla.</b></p> <p>Use <b>Table A</b> to mark candidate responses to this question.<br/>           AO1 out of 2 marks.<br/>           AO2 out of 8 marks.</p> <p><b>Indicative content</b></p> <p>Responses may include:</p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>S2 is the relevant section which could lead to a s1 conviction.</li> <li>Reference to s6, <i>R v Lloyd</i> (1985) and <i>R v Barton and Booth</i> (2020).</li> </ul> <p><b>AO2 Analysis and application</b></p> <p>Analysis:</p> <ul style="list-style-type: none"> <li>Carla may be dishonest as she does not fit within s2.</li> <li>However, she may or may not have an intention to permanently deprive under s6.</li> </ul> <p>Application:</p> <ul style="list-style-type: none"> <li>Carla took a drill home which is not hers and used it; although she put the drill back she does not fall within any of the s2 exceptions.</li> <li>A jury is likely to see her conduct as objectively dishonest using the test in <i>R v Barton and Booth</i> (2020) as a reasonable person would not help themselves to tools from work and then return them after use.</li> <li>Carla did put the drill back but she treated it as her own.</li> <li>However, it could also be argued that the value of the drill has been diminished as a customer would believe they were buying a new drill but in fact this one has been used.</li> <li>This can be equivalent to an outright taking and she has a s6 intention to permanently deprive.</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Using <i>R v Lloyd</i> (1985) the drill can still be used.</li> <li>Carla does not intend to treat the drill as her own as she cleans it and puts it back in the box.</li> <li>This means there is no outright taking and so Carla does not have a s6 intention to permanently deprive.</li> </ul> <ul style="list-style-type: none"> <li>Carla is or is not guilty of theft.</li> </ul> <p>Accept all valid responses – candidates can apply s6 in either of two ways but to gain marks the reasoning must be logical and for maximum marks a conclusion reached.</p> | 10    |
|          | AO1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2     |
|          | AO2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 8     |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Marks |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1(c)     | <p><b>Explain how the source material will apply to Walter.</b></p> <p>Use <b>Table A</b> to mark candidate responses to this question.<br/>           AO1 out of 2 marks.<br/>           AO2 out of 8 marks.</p> <p><b>Indicative content</b></p> <p>Responses may include:</p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>• S2(1)(a) is the relevant section which could lead to a s1 conviction.</li> <li>• Reference to s6 and/or <i>R v Holden</i> (1991).</li> </ul> <p><b>AO2 Analysis and application</b></p> <p>Analysis:</p> <ul style="list-style-type: none"> <li>• Walter may not be dishonest as he does fit within s2(1)(a).</li> <li>• He does have an intention to permanently deprive under s6.</li> </ul> <p>Application:</p> <ul style="list-style-type: none"> <li>• Even though Walter's employment contract says he should not take home he may not be dishonest as he believes he is entitled to do so.</li> <li>• He may be covered by s2(1)(a) as he genuinely believed this was acceptable based on his previous experience.</li> <li>• His belief was also honest based on what he saw other chefs do – <i>R v Holden</i> (1991).</li> <li>• Walter took the food home and did not return it.</li> <li>• This is an outright taking and so he has s6 intention to permanently deprive.</li> <li>• He did intend to permanently deprive the kitchen of the unused food.</li> <li>• Walter is unlikely to be guilty of theft based on s2(1)(a).</li> </ul> <p>Accept all valid responses.</p> | 10    |
|          | AO1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2     |
|          | AO2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 8     |

**Section B****Table B**

Use this table to give marks for each candidate response for **Question 2(b)** and **3(b)**

| <b>Level</b> | <b>AO1 Knowledge and understanding<br/>2 marks</b>                                                                                                                                                                                                                                                   | <b>AO2 Analysis and application<br/>8 marks</b>                                                                                                                                                                                                                                     | <b>AO3 Evaluation<br/>9 marks</b>                                                                                                                                                                                         |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <b>Description</b>                                                                                                                                                                                                                                                                                   | <b>Description</b>                                                                                                                                                                                                                                                                  | <b>Description</b>                                                                                                                                                                                                        |
| <b>4</b>     | <b>9–10 marks</b> <ul style="list-style-type: none"> <li>Accurate and detailed in most relevant areas.</li> <li>Thorough knowledge and understanding of the most appropriate legal concepts, principles and rules, key examples, cases and/or statutory authority, and legal terminology.</li> </ul> |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                           |
| <b>3</b>     | <b>6–8 marks</b> <ul style="list-style-type: none"> <li>Mostly accurate but may not be detailed in some relevant areas.</li> <li>Good knowledge and understanding of appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.</li> </ul> | <b>5–6 marks</b> <ul style="list-style-type: none"> <li>Mostly focused and reasoned analysis throughout.</li> <li>The analysis is supported by effective and well-developed use of legal concepts, principles and rules, key examples, cases and/or statutory authority.</li> </ul> | <b>7–9 marks</b> <ul style="list-style-type: none"> <li>Mostly focused and reasoned evaluation of most of the relevant issues.</li> <li>Effectively supported by relevant material.</li> <li>Coherent argument</li> </ul> |
| <b>2</b>     | <b>3–5 marks</b> <ul style="list-style-type: none"> <li>Some accuracy but lacks detail in relevant areas.</li> <li>Some knowledge and understanding of mostly appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology</li> </ul>         | <b>3–4 marks</b> <ul style="list-style-type: none"> <li>Some reasoned analysis.</li> <li>The analysis is supported by some partially developed use of legal concepts, principles and rules, examples, cases and/or statutory authority.</li> </ul>                                  | <b>4–6 marks</b> <ul style="list-style-type: none"> <li>Some evaluation, reasoned at times, of some of the relevant issues.</li> <li>Supported by some relevant material.</li> <li>Some coherent argument.</li> </ul>     |

| <b>Level</b> | <b>AO1 Knowledge and understanding<br/>2 marks</b>                                                                                                                                                                                            | <b>AO2 Analysis and application<br/>8 marks</b>                                                                                                                                                                                             | <b>AO3 Evaluation<br/>9 marks</b>                                                                                                                                                            |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <b>Description</b>                                                                                                                                                                                                                            | <b>Description</b>                                                                                                                                                                                                                          | <b>Description</b>                                                                                                                                                                           |
| <b>1</b>     | <b>1–2 marks</b> <ul style="list-style-type: none"> <li>Limited accuracy.</li> <li>Limited knowledge and understanding of legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.</li> </ul> | <b>1–2 marks</b> <ul style="list-style-type: none"> <li>Limited analysis.</li> <li>The analysis is supported by limited use or makes no use of legal concepts, principles and rules, examples, cases and/or statutory authority.</li> </ul> | <b>1–3 marks</b> <ul style="list-style-type: none"> <li>Limited evaluation of a relevant issue.</li> <li>Limited or no use of relevant material.</li> <li>Limited or no argument.</li> </ul> |
| <b>0</b>     | <b>0 marks</b> <ul style="list-style-type: none"> <li>No creditable content</li> </ul>                                                                                                                                                        | <b>0 marks</b> <ul style="list-style-type: none"> <li>No creditable content</li> </ul>                                                                                                                                                      | <b>0 marks</b> <ul style="list-style-type: none"> <li>No creditable content</li> </ul>                                                                                                       |

| Question      | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Marks    |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>EITHER</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |
| 2(a)          | <p><b>Describe the <i>mens rea</i> of the offence of handling stolen goods.</b></p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>• The offence is found in s22 Theft Act 1968.</li> <li>• The defendant must subjectively know or believe that the goods are stolen at the time of handling them.</li> <li>• If the offence is receiving or arranging to receive, knowledge or belief must be present when the defendant receives the goods or makes the arrangement.</li> <li>• If the offence is undertaking or assisting in the prohibited acts, the defendant is liable when they learn the truth and continue undertaking or assisting.</li> <li>• A mere suspicion is not enough.</li> <li>• It is not enough to prove that any reasonable person would have realised the goods were stolen.</li> <li>• The defendant does not need to know the details of the actual goods stolen.</li> <li>• Dishonesty is as for theft – s2 Theft Act 1968 and the common law test.</li> </ul> <p>Each point made is worth 1 mark up to a maximum of 5.</p> | <b>5</b> |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Marks     |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2(b)     | <p><b>Evaluate to what extent deterrence is the most effective aim when sentencing young offenders.</b></p> <p>Use <b>Table B</b> to mark candidate responses to this question.<br/>           AO1 out of 10 marks.<br/>           AO2 out of 6 marks.<br/>           AO3 out of 9 marks.</p> <p><b>Indicative content</b></p> <p>Responses may include:</p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>• S142A Criminal Justice Act 2003 has deterrence by preventing offending or reoffending as its primary aim for those under 18.</li> <li>• Deterrence can be individual (focused on the defendant), general (focused on potential offenders) or educative (aiming to educate wider society).</li> <li>• A sentence for a young offender also takes into account their welfare as well as the purposes of punishment, reform and rehabilitation, protection of the public and reparation.</li> <li>• Courts can use custodial or community sentences to deter reoffending.</li> <li>• Custodial sentences for young offenders should be a last resort.</li> <li>• Community sentences can deter by improving education and delivering training to avoid a reliance on criminality.</li> <li>• Community sentences can also deter by helping with drug and alcohol issues which can lead to criminality.</li> <li>• Community sentences can be in conjunction with services that help with mental health issues.</li> <li>• Sentences can also involve parents to improve family bonds and help to deter future offending.</li> </ul> <p><b>AO2 Analysis and application</b></p> <p>Analysis:</p> <ul style="list-style-type: none"> <li>• Deterrence helps to prevent a cycle of criminality by improving self-worth and showing a young offender that they can be successful without crime.</li> <li>• It is forward looking to help a young offender be a valuable member of society.</li> <li>• A wide range of sentences for young offenders means deterrence can be achieved through fairer and more effective individualised sentencing.</li> <li>• Conflict can arise if society wants to see deterrence through punishment to prevent reoffending.</li> <li>• Competing aims can make sentencing hard in terms of fair labelling and in striking the correct balance.</li> </ul> | <b>25</b> |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Marks     |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2(b)     | <b>AO3 Evaluation</b> <ul style="list-style-type: none"> <li>• Effective deterrence relies on fair and proportionate sentencing for the offence committed whilst giving hope for the future – this is a hard balance.</li> <li>• Custodial sentences may be essential for punishment and public protection but they offer little in the way of hope.</li> <li>• For young offenders moved to an adult prison the chances of deterring reoffending are very much reduced.</li> <li>• Effective deterrence requires alternatives through education and training are offered; this provision is not always good, making the aim ineffective.</li> <li>• Custodial sentences can also ingrain institutional behaviour at a young age which makes it hard to manage in the community after release.</li> <li>• Community sentences can be much more focused on the needs of the offender which should make them more effective as a deterrent.</li> <li>• To be effective a sentence should not be too long but long enough to effect change – especially in relation to education and training or dealing with substance abuse and mental health issues.</li> <li>• Deterrence is hard for young offenders who live in communities where criminality is the norm.</li> <li>• Although society may favour harsh punishment evidence does not suggest this necessarily deters effectively.</li> <li>• Deterrence depends on a young offender's ability or willingness to change; this can be a barrier to effectiveness.</li> </ul> <p>Accept all valid responses.</p> | <b>25</b> |
|          | AO1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 10        |
|          | AO2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 6         |
|          | AO3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 9         |
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| Question  | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Marks     |
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| <b>OR</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |
| 3(a)      | <p><b>Describe the <i>mens rea</i> of the offence of blackmail.</b></p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>Blackmail is defined in s21 Theft Act 1968.</li> <li>There must be an intention to make an unwarranted demand with menaces – this intention can be direct or oblique.</li> <li>This must be done with a view to gain for oneself or another or with intent to cause loss to another as defined in s34(2) Theft Act 1968 and there is no need for dishonesty.</li> <li>There must not be a honest belief in reasonable grounds for making the demand.</li> <li>There must not be an honest belief that using menaces is a proper way to reinforce the demand – this is a question of fact.</li> </ul> <p>Each point made is worth 1 mark up to a maximum of 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>5</b>  |
| 3(b)      | <p><b>Evaluate the fairness of the law of making off without payment.</b></p> <p>Use <b>Table B</b> to mark candidate responses to this question.<br/>AO1 out of 10 marks.<br/>AO2 out of 6 marks.<br/>AO3 out of 9 marks.</p> <p><b>Indicative content</b></p> <p>Responses may include:</p> <p><b>AO1 Knowledge and understanding</b></p> <ul style="list-style-type: none"> <li>The offence is found in s3 Theft Act 1978.</li> <li>For the <i>actus reus</i> the defendant must make off; this means leaving the place where payment is due or expected – <i>R v McDavitt</i> (1981).</li> <li>Goods must have been supplied or a service must have been done; there is no offence until the contract is completed – <i>Troughton v Metropolitan Police</i> (1987).</li> <li>Payment is required on the spot but does not become due until the goods or services have been provided – <i>R v Wilkinson</i> (2018), <i>R v Vincent</i> (2001).</li> <li>The defendant has not paid as required; this means the full payment.</li> <li>The defendant must be dishonest and this is the same as for theft.</li> <li>There must be knowledge that payment on the spot is required</li> <li>There must be an intention never to pay – <i>R v Allen</i> (1985).</li> <li>The offence is triable wither way.</li> <li>The maximum penalty is two years' imprisonment.</li> </ul> | <b>25</b> |

| Question | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Marks     |
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| 3(b)     | <p><b>AO2 Analysis and application</b></p> <p>Analysis:</p> <ul style="list-style-type: none"> <li>• This offence was created to deal with a gap in the Theft Act 1968 to cover particular situations such as self-service shopping.</li> <li>• The use of the dishonesty test from theft has made the law more complex.</li> <li>• It is a relatively easy offence to use and gain convictions which may provide and also counter fairness.</li> <li>• The maximum penalty is relatively small, a conviction does not carry a significant stigma and the law is relatively straightforward so juries can find it easy to make decisions.</li> <li>• The courts have extended and clarified the law to make it work better but this may affect fairness from different perspectives.</li> </ul> <p><b>AO3 Evaluation</b></p> <ul style="list-style-type: none"> <li>• The offence was created 10 years after the Theft Act 1968 in response to changing times and so it is good that Parliament acted in a way which has proved to be fair in raising conviction rates.</li> <li>• However, a lot of clarification has been needed so the law may not meet the intention of Parliament or be fair.</li> <li>• The offence only applies to payments which are lawfully required and so is not fully fair.</li> <li>• As dishonesty is now easier to prove the law may be fair in leading to more convictions but not be fair as a realistic deterrent.</li> <li>• The line between an intention to permanently avoid payment and simply deferring payment, and so between fraud and making off, is not always clear which can lead to unfairness if the correct offence is not charged in the first place.</li> <li>• The offence can still be problematic in relation to the duties between taxi drivers and their passengers which impacts on fairness.</li> <li>• As the maximum penalty is low, as is the stigma of conviction, juries might convict too easily which is not good for fairness.</li> <li>• As the maximum penalty is low and there is little stigma from conviction this may not deter offending and render the law less fair.</li> </ul> <p>Accept all valid responses.</p> | <b>25</b> |
|          | AO1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 10        |
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