Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/21**

Paper 2 Criminal Law **May/June 2023**

1 hour 30 minutes

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You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **two** questions in total:
  - Section A: answer Question 1.
  - Section B: answer **one** question.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 60.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **4** pages. Any blank pages are indicated.

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Section A

Answer Question **1(a)**, **(b)** and **(c)** using **only** the source material provided.

1 **(a)** Andrew owns a factory, and he employs a security guard to protect the building at night. Andrew owes a lot of money to his bank. He decides to set fire to part of his factory and claim the insurance money to clear his debts. He tells no one what he is going to do. Andrew buys several cans of fuel and goes to the factory at night. He turns off the fire alarm system, pours the fuel on the floor and uses it to start a fire. The whole factory is destroyed. Unknown to Andrew, the security guard was at home because he was ill.

Explain how the source material will apply to Andrew. [10]

(b) Fraser and Pascal are neighbours. Pascal often parks his van outside Fraser's house. Fraser complains to Pascal, saying he must park his van elsewhere or 'something will happen to it'. Pascal is frightened as Fraser has a reputation for having a bad temper. One night there is no other parking space, so Pascal parks his van outside Fraser's house. Fraser is angry and he paints rude words on the side of the van. Next morning Pascal sees the words on his van but before he can do anything heavy rain washes them away.

Explain how the source material will apply to Fraser. [10]

(c) Mandeep runs a successful sandwich shop. Rana opens a café selling coffee and sandwiches opposite Mandeep's shop. Mandeep's sales go down and he goes to Rana's café. He bangs a red hockey stick on a table, points it at her, and tells her that he will make her wish she had opened her café somewhere else. The next morning Rana finds that the windows of her café have been broken. A CCTV recording shows Mandeep breaking the windows with a red hockey stick which the police later find in his shop.

Explain how the source material will apply to Mandeep. [10]

Section B

Answer **one** question from this section **not** using the source material.

EITHER

2 **(a)** Describe dishonesty in the *mens rea* of theft. [5]

(b) Evaluate the law of robbery. [25]

OR

3 **(a)** Describe discharges as a type of sentence for an adult offender. [5]

(b) Evaluate to what extent punishment is the **most** effective aim when sentencing adult offenders. [25]

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Source material for Section A Question 1

Criminal Damage Act 1971

Section 1 Destroying or damaging property

(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another—
   (a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and
   (b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered;
   shall be guilty of an offence.

(3) An offence committed under this section by destroying or damaging property by fire shall be charged as arson.

Section 2 Threats to destroy or damage property

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out,—

(a) to destroy or damage any property belonging to that other or a third person; or

(b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or third person;

shall be guilty of an offence.

Section 3 Possessing anything with intent to destroy or damage property

A person who has anything in his custody or under his control intending without lawful excuse to use it or cause or permit another to use it—

(a) to destroy or damage any property belonging to some other person; or

(b) to destroy or damage his own or the user's property in a way which he knows is likely to endanger the life of some other person;

shall be guilty of an offence.

Section 4 Punishment of offences

(1) A person guilty of arson under section 1 above or of an offence under section 1(2) above (whether arson or not) shall on conviction on indictment be liable to imprisonment for life.

(2) A person guilty of any other offence under this Act shall on conviction on indictment be liable to imprisonment for a term not exceeding ten years.

***Hardman v Chief Constable of Avon and Somerset* (1986)**

The appellants were part of a group of protestors called the 'Campaign for Nuclear Disarmament Group'. They used soluble paint to paint human silhouettes on the pavement to represent the fortieth anniversary of the bombing in Hiroshima. The paint was specially mixed so it could be washed away by rainwater within a matter of days. Before this could happen, the local authority washed the markings away, sending in a team of cleaners who used high pressure washers to clean the pavement. The protestors were convicted for causing criminal damage and subsequently appealed the decision.

Held: it did not matter that the markings could be washed away, there had been damage nonetheless as there had been expense and inconvenience caused to the local authority.

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