CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/23**

Paper 2 **May/June 2024**

MARK SCHEME

Maximum Mark: 60

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 2024 series for most Cambridge IGCSE, Cambridge International A and AS Level and Cambridge Pre-U components, and some Cambridge O Level components.

© Cambridge University Press & Assessment 2024

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.

© Cambridge University Press & Assessment 2024

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.

© Cambridge University Press & Assessment 2024

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.

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.

© Cambridge University Press & Assessment 2024

Annotations and their Use

Annotation	Use
✓	Used to credit AO1 in any of **Q1**, **Q2** and **Q3**.
NAQ	Used when the answer or parts of the answer do not answer the question asked.
BOD	Used when the benefit of the doubt is given in order to reward a response.
A	Used to indicate AO2 Analysis and application in **Q1** and AO2 Analysis in **Q2(b)** and **Q3(b)**.
C	Used to indicate a conclusion in any of **Q1**, **Q2(b)** and **Q3(b)**.
EVAL	Used to indicate AO3 Evaluation in **Q2(b)** and **Q3(b)**.
REP	Indicates where content has been repeated.
SEEN	Indicates that content has been recognised but not rewarded.
?	Indicates material which is not sufficiently clear to be rewarded.
	Indicates material which is not relevant as a response to the question asked.

© Cambridge University Press & Assessment 2024

Section A

Table A

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

Level	AO1 Knowledge and understanding 2 marks	AO2 Analysis and application 8 marks
	Description	**Description**
3		**6–8 marks** • Analysis leading to a developed and logical conclusion. • Application which is fully developed.
2	**2 marks** • Identification and accurate citation of most of the relevant law.	**3–5 marks** • Analysis leading to a conclusion which may or may not be entirely appropriate. • Application which is partially developed.
1	**1 mark** • Identification and citation of some relevant law.	**1–2 marks** • Analysis leading to a basic conclusion without reasoning or no conclusion. • Application which is basic.
0	**0 marks** • No creditable content.	**0 marks** • No creditable content.

© Cambridge University Press & Assessment 2024

Question	Answer	Marks
1(a)	**Explain how the source material will apply to Ben.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S22 is the likely offence. • Reference to s2 Theft Act 1968 and *R v Barton and Booth (2020).* **AO2 Analysis and application** Analysis: • Ben has the *actus reus* of an offence under s22 as the cheese is stolen and he handles it when he receives and stores it. • Ben has the *mens rea* as he knows the cheese is stolen and he is dishonest by the test in *R v Barton and Booth (2020)*. Application: • The cheese Simon stole will be classed as goods. • Ben has handled stolen goods as he has received property by taking possession of the stolen cheese. • He retains the stolen goods as he keeps the stolen cheese until Simon tells him to deliver it to the person who will sell it. • Ben retains the stolen goods for Simon's benefit as he will make a profit when the cheese is sold. • He has knowledge and belief that the goods are stolen as Simon tells him this when he asks Ben to hide the cheese and Ben agrees. • Ben is also dishonest as he does not fit any of the s2(1) exceptions. Applying the test in *R v Barton and Booth (2020)* an ordinary person knowing what Ben knows would see his conduct as dishonest. • It seems likely Ben will be convicted of an offence under s22(2). Accept all valid responses.	**10**
	AO1	2
	AO2	8

Question	Answer	Marks
1(b)	**Explain how the source material will apply to Danielle.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S22 is the likely offence. • Reference to *R v Kanwar (1982)* and *R v Barton and Booth (2020).* **AO2 Analysis and application** Analysis: • Danielle has the *actus reus* of an offence under s22 as she has handled stolen goods by retaining them when she discovers they are stolen. • She has the *mens rea* of the offence as she knows Chris cannot afford an expensive motorbike and she lies to the police after she discovers the motorbike is stolen so she is dishonest. Application: • Under s22(1) the motorbike has been stolen by Chris. • As the goods have been stolen Danielle receives them when she agrees to have the motorbike at her house although at that point, she does not know it is stolen. • She then retains as she lies to the police about having the motorbike which means there is a delay in them recovering it as in *R v Kanwar (1982)*. • She retains the motorbike for the benefit of her son. • Danielle has the *mens rea* of knowledge and belief once she sees the news story which shows the stolen motorbike and then she lies to the police. • She does not fit the s2(1) exceptions and she is clearly dishonest when she lies to the police, so she meets the test in *R v Barton and Booth (2020).* • It seems likely that Danielle will be convicted of an offence under s22(2). Accept all valid responses.	**10**
	AO1	2
	AO2	8

Question	Answer	Marks
1(c)	**Explain how the source material will apply to Salman.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S22 is the likely offence. • Reference to *R v Bloxham (1983)* and *R v Barton and Booth (2020).* **AO2 Analysis and application** Analysis: • Salman has the *actus reus* of an offence under s22 as he receives stolen goods, and he disposes them of them by changing the van's identity although this is not done for the benefit of another. • Salman also has *mens rea* once he realises the van is stolen and although he does sell for a cheaper price, he is dishonest in what he tells Tabitha. Application: • Under s22(1) Salman received stolen goods once he realised the van did not have a valid registration document. • However, he has not undertaken or arranged to undertake in their retention, removal or realisation by another as he has not sold the van for Tabitha's benefit as in *R v Bloxham (1983).* • That said he has disposed of stolen goods as he has changed the van's identity with the different colour. • Salman has *mens rea* as he is suspicious of the price which means he at least believes the van might be stolen. • Although he does not meet any of the s2(1) exceptions using the test in *R v Barton and Booth (2020)* a jury might decide Salman is not dishonest as he has given the van to a charity. • It seems likely Salman will not be convicted of an offence under s22 but candidates who argue in the alternative can be credited depending on their reasoning. Accept all valid responses.	**10**
	AO1	2
	AO2	8

Section B

Table B

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

Level	AO1 Knowledge and understanding 10 marks	AO2 Analysis and application 6 marks	AO3 Evaluation 9 marks
	Description	**Description**	**Description**
4	**9–10 marks** • Accurate and detailed in most relevant areas. • Thorough knowledge and understanding of the most appropriate legal concepts, principles and rules, key examples, cases and/or statutory authority, and legal terminology.		
3	**6–8 marks** • Mostly accurate but may not be detailed in some relevant areas. • Good knowledge and understanding of appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**5–6 marks** • Mostly focused and reasoned analysis throughout. • The analysis is supported by effective and well-developed use of legal concepts, principles and rules, key examples, cases and/or statutory authority.	**7–9 marks** • Mostly focused and reasoned evaluation of most of the relevant issues. • Effectively supported by relevant material. • Coherent argument.
2	**3–5 marks** • Some accuracy but lacks detail in relevant areas. • Some knowledge and understanding of mostly appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**3–4 marks** • Some reasoned analysis. • The analysis is supported by some partially developed use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**4–6 marks** • Some evaluation, reasoned at times, of some of the relevant issues. • Supported by some relevant material. • Some coherent argument.
1	**1–2 marks** • Limited accuracy. • Limited knowledge and understanding of legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**1–2 marks** • Limited analysis. • The analysis is supported by limited use or makes no use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**1–3 marks** • Limited evaluation of a relevant issue. • Limited or no use of relevant material. • Limited or no argument.
0	**0 marks** • No creditable content.	**0 marks** • No creditable content.	**0 marks** • No creditable content.

© Cambridge University Press & Assessment 2024

Question	Answer	Marks
EITHER		
2(a)	**Describe the law on an intention to permanently deprive in theft.** **AO1 Knowledge and understanding** • An intention to permanently deprive is found in s6 Theft Act 1968. • It can mean to keep property forever. • It can also occur even when there is an intention to return property later. • It can also mean an intention to treat something as their own to dispose of, regardless of anyone else's rights. • Borrowing is not theft unless it is for a period of time and in circumstances making it equivalent to an outright taking or disposal. • Conditional intent is not sufficient. • The way the property is disposed of may be enough to satisfy s6. Each point made is worth 1 mark up to a maximum of 5.	**5**

Question	Answer	Marks
2(b)	**Evaluate the law of blackmail.** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. AO2 out of 6 marks. AO3 out of 9 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • Blackmail is found in s21 Theft Act 1968. • The *actus reus* is that there must be a demand – *R v Collister and Warhurst (1955), Treacy v DPP (1971), R v Pogmore (2017)* and *R v Lambert (2009).* • The demand must be unwarranted – *R v Harvey (1981).* • The demand must also be made with menaces – *R v Lawrence and Pomroy (1971), R v Harry (1974).* • The *mens rea* is an intention, direct or oblique, to make an unwarranted demand with menaces. • This must be done with a view to gain for oneself or another or with intent to cause loss to another – *R v Bevans (1988).* • Gain and loss are defined in s34 Theft Act 1968. • There is no need for dishonesty. • It is a question of fact as to believing if a person has reasonable grounds for making the demand. • It is a question of fact as to believing whether using menaces is a proper means of reinforcing the demand. • Blackmail is an indictable offence with a maximum penalty of 14 years. **AO2 Analysis and application** Analysis: • Blackmail is an important addition to the range of property offences as the pressure applied to people which forces them to commit the offence needs to be sanctioned and indicates blameworthiness through sentencing. • The use of statute law is intended to provide clarity, but the law remains complex in places, as is demonstrated by the cases, which can cause problems. • Blackmail can be seen as a 'hidden offence' which can make charging and conviction challenging. • The offence has lots of elements and proving all of them can be difficult which impacts on conviction rates. • Blackmail is an offence with a significant maximum penalty and a serious stigma, so juries need to be clear on the law if they are to convict in the correct cases.	**25**

© Cambridge University Press & Assessment 2024

Question	Answer	Marks
2(b)	**AO3 Evaluation** • Blackmail is an offence known at a popular level and so juries need to be sure they understand the legal requirements if they are to convict properly and make the law effective. • There is no requirement to show that a demand has been made expressly; although an implied demand is enough to lead to conviction this can make proof and conviction difficult. • A demand by post is made when it is posted. This fits with the law of contract but means the demand is made before the victim is aware of it having been made and it is a continuing demand until it is withdrawn. This can raise problems of coincidence of *actus reus* and *mens rea* and so impacts on effectiveness in gaining convictions in the right circumstances. • It is not necessary to show that the person making the demand is the one carrying out the menaces or that the person making the demand can carry it out which could make it too easy to convict and so impacts on fair labelling. • Menaces may be interpreted differently by those who do not meet the 'average firmness' test which can have an impact on conviction rates. • It can be difficult for a defendant to prove they meet the defence of reasonable grounds; their belief is what is important and their entitlement to the money or property demanded is irrelevant which can also impact on effectiveness. • S34 Theft Act 1968 explains 'gain' and 'loss' just in terms of money or other property of economic value rather than something intangible but actual gain or loss is not essential which can link to effectiveness. • Blackmail is often a 'hidden offence' in situations based on dominance and subordination which can impact on effectiveness as a victim may be frightened to report and fearful of how it will impact on their reputation. Accept all valid responses.	
	AO1	10
	AO2	6
	AO3	9

Question	Answer	Marks
OR		
3(a)	**Describe the *actus reus* of robbery.** **AO1 Knowledge and understanding** • Robbery is defined in s8 Theft Act 1968. • There must be a completed theft. • Robbery occurs at the moment theft is completed with relevant force. • Force or threat of force is based on the ordinary meaning of the word. • It can include pulling a bag from a victim's hand. • The force can be against any person, not just the victim of the theft. • The force or threat of force must be used immediately before or at the time of the theft. The force must be used in order to steal. • Theft can be a continuing act so using force to escape can be enough. Each point made is worth 1 mark up to a maximum of 5.	**5**

© Cambridge University Press & Assessment 2024

Question	Answer	Marks
3(b)	**Evaluate the law of making off without payment.** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. AO2 out of 6 marks. AO3 out of 9 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • The offence is found in s3 Theft Act 1978. • For the *actus reus* the defendant must make off; this means leaving the place where payment is due or expected – *R v McDavitt (1981), R v Brookes and Brookes (1983).* • Goods must have been supplied or a service must have been done and there is no offence until the contract is completed – *Troughton v Metropolitan Police (1987).* • Payment is required on the spot but does not become due until the goods or services have been provided – *R v Wilkinson (2018), R v Vincent (2001).* • The defendant has not paid as required; this means the full payment. • The defendant must be dishonest, and this is the same as for theft. • There must be knowledge that payment on the spot is required. • There must be an intention never to pay – *R v Allen (1985).* • The maximum penalty is two years imprisonment. **AO2 Analysis and application** Analysis: • This offence was created to deal with a gap in the Theft Act 1968 which means it fits particular situations, often relating to self-service shopping. • The use of the dishonesty test from theft has added some complexities to the law. • It is now a relatively easy offence to use and gain convictions. • The maximum penalty is relatively small, a conviction does not carry a significant stigma and the law is not so complex now, so juries do not find it hard to convict. • The courts have extended and clarified the law to make it work better.	**25**

© Cambridge University Press & Assessment 2024

Question	Answer	Marks
3(b)	**AO3 Evaluation** • The offence was created 10 years after the Theft Act 1968 in response to changing times and so it is good that Parliament acted. • However, the law has needed clarification through the cases so critics might argue whether the law matches the intention of Parliament. • There is still a gap in the law as the offence only applies to payments which are lawfully required. • Issues in dishonesty did cause problems although the current test now makes it easier to convict than was previous the case. This can be seen as good although critics might argue it is now too easy to convict. • There is not always clarity as to the difference between an intention to permanently avoid payment and simply deferring payment. If this is not clear it is not possible to convince for fraud instead as making off without payment does not require a deception as is needed for fraud. • If a defendant agrees beforehand that they will pay later there cannot be an offence of making off without payment although if they always intended never to pay this can be fraud – this can cause a problem in conviction rates if the right charge is not used in the first place. • The offence can still be problematic in relation to the duties between taxi drivers and their passengers. • As the maximum penalty is low, as is the stigma of conviction, juries might convict too easily which is not good for fair labelling. Accept all valid responses.	
	AO1	10
	AO2	6
	AO3	9

© Cambridge University Press & Assessment 2024