Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/21**

Paper 2 Criminal Law **May/June 2024**

1 hour 30 minutes

1480386520

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)** Amanda goes for a walk in a forest owned by Bob. Bob has planted most of the trees, but there are also some wild apple trees full of fruit. Amanda sees the apples, goes home and returns to the forest with a large bag. She fills the bag with apples. The next day Amanda puts the apples on a table outside her house with a sign saying, 'apples for sale'. Amanda earns £20 from the sale of the apples.

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

(b) Charles often helps his neighbour, Priya, by doing her shopping. One day Priya gives Charles a shopping list and a £10 note. At the shop Charles buys the items on the list and gives the shop assistant the £10 note. The shop assistant is busy talking to a friend and gives Charles change for a £20 note. Charles realises what has happened and puts the money in his pocket. On the way back to Priya's house Charles uses the money he was given in the shop to buy a magazine which costs £5.

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

(c) Maurice is walking along a street and he sees a £5 note on the ground in front of him. There is no one in sight, so he picks up the £5 note and uses it to buy his lunch in a café. Maurice walks past a charity shop. The shop is closed, but there are some bags by the door. Maurice looks in the bags and finds a coat, which he puts on. He goes to the back of the shop where there are bins marked with the charity's name. Maurice looks in the bin and takes a pair of trousers.

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

Section B

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

EITHER

2 **(a)** Describe **two** elements of s10(1) Theft Act 1968. [5]

(b) Evaluate the law of handling stolen goods. [25]

OR

3 **(a)** Describe the offence of obtaining services dishonestly. [5]

(b) Evaluate the fairness of the law on omissions in *actus reus*. [25]

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Source material for Section A Question 1

Theft Act 1968

Section 3 'Appropriates'.
(1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner.

Section 4 'Property'.
(1) 'Property' includes money and all other property, real or personal, including things in action and other intangible property.
(2) …
(3) A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose. For purposes of this subsection 'mushroom' includes any fungus, and 'plant' includes any shrub or tree.

Section 5 'Belonging to another'.
(1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest).
(2) …
(3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.
(4) Where a person gets property by another's mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then to the extent of that obligation the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration, and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.

***Attorney General's Reference (No. 1 of 1983)* (1985)**
The defendant, a police woman, received an overpayment in her wages by mistake. She had noticed that she had received more than she was entitled to but did not say anything to her employer. She did not withdraw any of the money from her bank account. The trial judge directed the jury to acquit. The Attorney General referred a question to the Court of Appeal.

Held: It was possible for a theft conviction to arise where the defendant had not withdrawn the money. There was a legal obligation to return the money received by mistake.

***Ricketts v Basildon Magistrates' Court* (2010)**
The appellant took six bags containing used clothing and other items from outside charity shops owned by Oxfam and the British Heart Foundation (BHF). He intended to sell the items at a car boot sale. The bags from Oxfam were taken from a bin outside the shop in which people could leave donated items. The bags from BHF were simply placed outside the door to the shop.

Held: The bags taken from the bins outside Oxfam could be taken to be in Oxfam's possession at the time he appropriated them. However, with regard to the bags taken from outside BHF, no possession or proprietary interest could be taken to arise from them simply being left in the vicinity. However, it didn't follow that the items had been abandoned. The donor intended the items to be a gift to the BHF, they had attempted delivery of the gift, and the gift would be complete once BHF took possession of the items. The items still belonged to the donor until BHF took possession.

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