Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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

1 hour 30 minutes

5139732431

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)** Simon has a van which he uses to steal a large amount of cheese. He drives the van to the house of his brother, Ben. He tells Ben the cheese is stolen and asks him to hide it. Ben agrees and stores the cheese in his freezer. A week later Simon asks Ben to deliver the cheese to a friend who will sell it, which Ben does.

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

(b) Chris visits his mother, Danielle. He arrives riding an expensive motorbike which he has stolen. Danielle asks about the motorbike as she knows Chris does not have much money. He says it belongs to a friend and asks if he can leave it at her house for a few days. Danielle agrees. Later that day she sees a news story about a stolen motorbike which matches the one at her house. The next day a police officer phones Danielle asking about the stolen motorbike, but she says she has not seen it. A week later the police come to Danielle's house and find the stolen motorbike.

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

(c) Salman buys a van on a shopping website for £5000, for what he thinks is a suspiciously cheap price. He pays £3000 and the other £2000 when the seller says he has posted the registration document. The registration document does not arrive, confirming Salman's suspicion that the van is stolen. Salman paints the van a different colour and gives it to Tabitha, who runs a charity which delivers food to people in need. She offers to pay for the van, but Salman says it is free as he wants to help the charity.

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

Section B

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

EITHER

2 **(a)** Describe the law on an intention to permanently deprive in theft. [5]

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

OR

3 **(a)** Describe the *actus reus* of robbery. [5]

(b) Evaluate the law of making off without payment. [25]

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Source material for Section A Question 1

Theft Act 1968

Section 22 Handling stolen goods

(1) A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.

(2) A person guilty of handling stolen goods shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.

Section 2 'Dishonestly'

(1) A person's appropriation of property belonging to another is not to be regarded as dishonest—

(a) if he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or

(b) if he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or

(c) (except where the property came to him as trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

***R v Kanwar* (1982)**

Mr Kanwar brought stolen goods into the family home while his wife was in hospital. After she returned from hospital, the police searched the house looking for stolen goods. Mrs Kanwar told the police that nothing in the house was stolen and that two items in particular that the police believed were stolen had been bought by her. This was untrue.

Held: Mrs Kanwar was convicted of handling stolen goods, as her statements to the police had enabled the retention of the stolen goods by making it more difficult for the police to identify them.

***R v Bloxham* (1983)**

Bloxham bought a car for £1200, paying £500 immediately and the remainder when he received the registration document. He later realised that the car was stolen, as the seller failed to give him the registration document. He then sold the car to someone else for £200 as there was no registration document.

Held: While Bloxham had clearly disposed of stolen goods, he had not done so for the benefit of another. The buyer may have benefited, but he had not sold the car for the buyer's benefit.

***R v Barton and Booth* (2020)**

Barton ran a luxury nursing home and Booth was the general manager. They abused their position to befriend, manipulate and isolate residents at the home in order to profit from them.

Held: The Court of Appeal decided the correct test to follow was that from *Ivey v Genting Casinos* (2017), where the Supreme Court stated that the new test for dishonesty is simply whether an ordinary, honest person, armed with the same factual knowledge and beliefs as the defendant, would consider the conduct dishonest. It is no longer necessary to prove that the defendant was aware that others would consider his conduct dishonest.

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