Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

Paper 2 Criminal Law **October/November 2023**

1 hour 30 minutes

3931149711

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)** Haroon takes his mother, Connie, to a restaurant for lunch. The hot food they order is of bad quality and cold when it arrives at the table. Haroon asks the waiter for the bill. The lunch costs £50. Haroon shouts that he will not pay, gets up from the table, puts on his coat and walks towards the door. The manager hears the shouting. He calls the police and rushes to block the door so Haroon cannot leave. The police arrive and Haroon is charged with making off without payment.

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

(b) Glyn stays at an expensive hotel for a week. When it is time to pay the bill of £2500 he tells the hotel manager that due to a problem with his bank account he cannot pay. Glyn promises he will come back in a week once the problem is resolved. The manager agrees and Glyn leaves his telephone number. On his way home Glyn withdraws money from his bank account and buys his wife a gold bracelet. Glyn does not return to the hotel as promised, so the manager telephones him. The telephone number does not work as Glyn deliberately gave a false number. Glyn is arrested and charged with making off without payment.

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

(c) Albert and Bryan go to a restaurant. They order lots of expensive food and drink. After two hours Albert says he has an appointment and as he leaves he gives the money to pay his share of the bill to Bryan. The bill arrives and the meal costs £150. When the waiter is not in the room Bryan leaves the restaurant without paying. The waiter calls the police. Bryan is arrested nearby with £200 in his pocket.

Explain how the source material will apply to Albert and Bryan. [10]

Section B

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

EITHER

2 **(a)** Describe the offence of handling stolen goods. [5]

(b) Evaluate the law on causation in *actus reus*. [25]

OR

3 **(a)** Describe the custodial sentences available for a young offender. [5]

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

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Source material for Section A Question 1

Theft Act 1978

Section 3 Making off without payment

(1) Subject to subsection (3) below, a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence.

(2) For purposes of this section "payment on the spot" includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

(3) Subsection (1) above shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

Section 4 Punishments

(1) Offences under this Act shall be punishable either on conviction on indictment or on summary conviction.

(2) A person convicted on indictment shall be liable—
(a) …
(b) for an offence under section 3 of this Act, to imprisonment for a term not exceeding two years.

(3) A person convicted summarily of any offence under this Act shall be liable—
(a) to imprisonment for a term not exceeding six months; or
(b) to a fine not exceeding £1000,
or to both.

***R v McDavitt* (1981)**

The defendant refused to pay his bill in a restaurant after having an argument with the manager. He tried to walk out of the restaurant but the manager told him the police had been called and told him to stay. He remained in the restaurant until the police arrived and he was charged with making off without payment.

Held: He had not left the restaurant and therefore had not 'made off'.

***R v Brooks and Brooks* (1983)**

A father and daughter and a man named Smith went to a restaurant. The daughter left early in a rush. The father and Smith then absconded without paying. They were convicted of making off without payment. The daughter appealed contending she thought her father was paying and was thus not dishonest.

Held: The daughter's conviction was quashed. The words 'dishonestly makes off' should be given their ordinary meaning and the jury should relate these words to the facts of any case. In the majority of cases no elaboration is required. There is no requirement of leaving by stealth in order to amount to being dishonest; the words 'makes off' simply mean depart.

***R v Vincent* (2001)**

The appellant stayed in two hotels. He left both claiming to be suffering from financial difficulties and made arrangements to pay at a later date. He was later charged with making off without payment when no payment materialised. The trial judge directed the jury that they should convict if they thought the agreement to postpone payment was made dishonestly. The jury convicted. The appellant appealed arguing that payment on the spot was not required or expected and that he had made a genuine agreement to postpone payment and was therefore not dishonest.

Held: His conviction was quashed. Since the appellant had entered an agreement to postpone payment, payment was not required or expected on the spot and therefore the *actus reus* of the offence was absent.

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