Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Criminal Law **October/November 2024**

1 hour 30 minutes

7967356099

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)** Colin lives in a caravan on a permanent site. His caravan is connected to the water and electricity provided at the site. Whilst Colin is out, Derek wanders onto the caravan site and looks through the window of Colin's caravan. Derek sees a mobile phone on a table just inside the window. He breaks the window, reaches in and steals the phone, which he sells for £100. At his trial for burglary, Derek is convicted and sentenced to 14 years in prison.

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

(b) Pietro sees a pair of shoes in a shop window. He wants the shoes but cannot afford to buy them. The next day he goes into the shop wearing a backpack, in which he plans to hide the shoes. Pietro sees the shoes, but there are lots of customers nearby. He walks around the shop, and as he goes back to the shoes, he realises the security guard is following him. Pietro leaves the shop without the shoes. Outside the shop, the security guard grabs hold of him and calls the police. At his trial for burglary, Pietro is convicted and sentenced to 11 years in prison.

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

(c) Mary is homeless. She finds what she believes is an empty house and decides to spend the night there. Mary looks in a shed in the garden, about 30 metres from the house. The shed contains tools worth £200. Mary takes the tools and goes into the house. She decides not to stay the night in the house. As she is leaving, Graham, the owner who was asleep upstairs, grabs her. Mary kicks Graham so hard he falls over and breaks his leg. She runs away, but her image is recorded on a security camera, and she is arrested. At her trial for burglary, Mary is convicted and sentenced to 12 years in prison.

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

Section B

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

EITHER

2 **(a)** Describe the offence of fraud by false representation. [5]

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

OR

3 **(a)** Describe the *actus reus* of the offence of handling stolen goods. [5]

(b) Evaluate the effectiveness of the *actus reus* of theft. [25]

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Source material for Question 1

Section 9 Theft Act 1968

(1) A person is guilty of burglary if—
(a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or
(b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The offences referred to in subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm therein, and of doing unlawful damage to the building or anything therein.

(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—
(a) where the offence was committed in respect of a building or part of a building which is a dwelling, 14 years;
(b) in any other case, 10 years.

(4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.

***R v Brown* (1985)**

Brown appealed against his conviction for burglary. He or another with him had smashed the window of a shop. He had leaned in and taken goods. Brown argued that an entry into a building had to be substantial and effective and as his feet were still on the pavement outside the building, there was no substantial entry.

Held: His conviction was upheld. The entry need not be substantial provided it is effective.

***Norfolk Constabulary v Seekings and Gould* (1986)**

Two lorry trailers were being used as storage space in a supermarket during refurbishment. They had been in place for about a year and were still on wheels.

Held: These did not amount to a building.

***R v Rodmell* (1994)**

The defendant was convicted of burglary of a garden shed and the theft of power tools in it. The shed stood in the large grounds of a house and was about 50 metres from the property.

Held: A garden shed is part of a person's home. Burglary of outbuildings is just as much burglary of domestic premises as breaking into the front door, although it can be said to be not quite as serious as breaking into the place where people live.

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