Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

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

1 hour 30 minutes

5238440180

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)** Gemma and Hannah live in houses next to each other. Hannah holds noisy parties which keep Gemma awake at night. Gemma has a mental disorder which means she finds it hard to control her temper when her sleep is disturbed. Hannah is holding her third noisy party in a week. Gemma is angry so she throws a lighted match at the small wooden building in Hannah's garden to start a fire. The building is destroyed and a new one costs £100. Gemma is convicted of arson and says she is sorry for what she did.

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

(b) Ranjit's company is losing customers to a company owned by Sasha. Sasha tells Ranjit she is going to put him out of business. Ranjit decides to stop Sasha by setting fire to her office. He buys some fuel to make the fire spread and goes to Sasha's office at 07:00. The office has two levels. He breaks a window on the lower level, throws in the fuel and lights it to start a fire. Unknown to Ranjit, Sasha is already at her office. The fire means she has to jump out of a window on the higher level, breaking her leg when she falls to the ground. The office is closed for several weeks due to the fire damage and the repairs cost £500 000. Ranjit is convicted of arson. He has no previous convictions of any kind.

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

(c) Frank lives opposite a public park where there is an old wooden building which is falling apart. The park is managed by the local council. Frank thinks the building is dangerous as children play in it. He knows that Jed, a local homeless person, sometimes sleeps there. Frank asks the council to repair the building, but they refuse. Frank waits until it is dark and sets fire to the building. He does not check if anyone is there. When he gets back home, he calls the emergency services. It takes three fire engines to put the fire out and the building costs £50 000 to replace. Frank is found guilty of arson. He has a previous conviction for basic criminal damage.

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

Section B

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

EITHER

2 **(a)** Describe the offence of fraud by abuse of position. [5]

(b) Evaluate the effectiveness of the law relating to the *mens rea* of theft. [25]

OR

3 **(a)** Describe the law on recklessness in criminal law. [5]

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

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Source material for Section A Question 1

Sentencing Council Guidelines – Arson – Section 1(3) Criminal Damage Act 1971

Step 1 Determining the offence category

A – High culpability
- High degree of planning or premeditation
- Revenge attack
- Use of accelerant (a substance used to aid the spread of fire)
- Intention to cause very serious damage to property
- Intention to create a high risk of injury to persons

B – Medium culpability
- Some planning
- Recklessness as to whether very serious damage caused to property
- Recklessness as to whether serious injury caused to persons

C – Lesser culpability
- Little or no planning; offence committed on impulse
- Recklessness as to whether some damage to property caused
- Offender's responsibility substantially reduced by mental disorder or learning disability

Harm: Category 1
- Serious physical and/or psychological harm caused
- Serious consequential economic or social impact of offence
- High value of damage caused

Harm: Category 2
- Harm that falls between categories 1 and 3

Harm: Category 3
- No or minimal physical and/or psychological harm caused
- Low value of damage caused

Step 2 – Starting point (*SP*) and category range (*R*)

Harm	Culpability A	Culpability B	Culpability C
Category 1	*SP*: 4 years' custody *R*: 2–8 years' custody	*SP*: 1 year 6 months' custody *R*: 9 months–3 years' custody	*SP*: 9 months' custody *R*: 6–18 months' custody
Category 2	*SP*: 2 years' custody *R*: 1–4 years' custody	*SP*: 9 months' custody *R*: 6–18 months' custody	*SP*: High community order *R*: Medium community order–9 months' custody
Category 3	*SP*: 1 years' custody *R*: 6 months–2 years' custody	*SP*: High level community order *R*: Medium level community order–9 months' custody	*SP*: Low community order *R*: Discharge–High level community order

Factors increasing seriousness (aggravating factors)
- Previous convictions
- Offence committed for financial gain
- Fire set in or near a public amenity
- Significant impact on emergency services or resources

Factors reducing seriousness (mitigating factors)
- No previous convictions or no relevant/recent convictions
- Steps taken to minimise the effect of the fire or summon assistance
- Remorse
- Good character and/or exemplary conduct
- Mental disorder or learning disability (where not taken into account at step one)

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