



Cambridge International AS & A Level

LAW

9084/23

Paper 2 Criminal Law

May/June 2025

1 hour 30 minutes



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.

Section A

Answer Question 1(a), (b) and (c), using **only** the source material provided.

- 1 (a) Arthur is part of a criminal gang who plans to steal valuable machinery from a large container next to a factory. The container does not have wheels and has been used for five years for storage. Electric cables run from the factory to the container. The door of the container is locked, so Arthur climbs through a window in the container which has been left open. Once inside, Arthur is caught by the factory security guard, who has followed him. Arthur is searched, and explosives are found in a bag he is carrying. Arthur says he was going to use the explosives to force open the container door.

Explain how the source material will apply to Arthur.

[10]

- (b) Diane often walks past a house which she thinks is unoccupied. One day, Diane decides to go and look inside. She takes a small iron bar with her in case she needs to break a window. Diane tries the door of the house and it opens, so she goes inside. She sees a silver vase and, as she picks it up, Hugh, the owner of the house, appears. Hugh tries to grab Diane, so she hits him with the iron bar and runs out of the house with the silver vase.

Explain how the source material will apply to Diane.

[10]

- (c) Sajid lives in his father's house. He has his own key to the door, and he is allowed to use all the rooms except his father's home office. Sajid is £500 in debt. He goes into the house, intending to ask his father to lend him the money, but his father is not at home. He goes into his father's home office as he knows some money is kept there. Sajid finds £100, which he takes. He is angry that there is not enough money to pay his debt, so he smashes a laptop and leaves.

Explain how the source material will apply to Sajid.

[10]

Section B

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

EITHER

- 2 (a) Describe indirect/oblique intention in *mens rea*. [5]
- (b) Evaluate the effectiveness of the factors used when sentencing offenders. [25]

OR

- 3 (a) Describe the *mens rea* of the offence of making off without payment. [5]
- (b) Evaluate the fairness of s3 and s5 Theft Act 1968 in the *actus reus* of theft. [25]

Source material for Question 1

Theft Act 1968

Section 9 Burglary.

- (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.

Section 10 Aggravated burglary.

- (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence, or any explosive; and for this purpose—
- (a) 'firearm' includes an airgun or air pistol, and 'imitation firearm' means anything which has the appearance of being a firearm, whether capable of being discharged or not; and
 - (b) 'weapon of offence' means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and
 - (c) 'explosive' means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.
- (2) A person guilty of aggravated burglary shall on conviction on indictment be liable to imprisonment for life.

R v Jones and Smith (1976)

The two appellants went to the home of one of their parents and stole two television sets. The father gave evidence stating that his son had permission to be in his house.

Held: The appellants had exceeded their permission by stealing and were thus trespassers.

B and S v Leathley (1979)

A lorry container was resting on sleepers and used as refrigeration storage. It was connected to the electricity supply and had been in the same place for two to three years.

Held: The container did constitute a building for the purposes of the Theft Act 1968.

R v Kelly (1993)

K used a screwdriver, which he had taken with him in order to break into a property, to assault the occupant who had surprised him during the burglary.

Held: K was guilty of aggravated burglary because the screwdriver taken into the house became a weapon of offence.

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