



LAW

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)

- 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) Gerald notices that a car has been parked on the street outside his house for a month. He sees that the keys are in the ignition, so, thinking it has been abandoned, he tries the car door, and it opens. The car has a full tank of fuel, and Gerald starts driving it to work. Two weeks later, Gerald replaces the fuel he has used, parks the car in the same place he found it, and leaves the keys in the ignition. Later that day, Gerald is arrested for theft. At his trial, he admits that he has appropriated property belonging to another.

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

- (b) Carla works in a shop which sells tools. She is building some shelves in her home and needs to use a drill. One Friday, when she is in the shop, Carla puts a box containing a drill in her bag and takes it home. Over the weekend, Carla uses the drill to build her shelves. She cleans the drill and puts it back in the box. On Monday, Carla takes the box containing the drill back to the shop. Unknown to Carla, the manager has seen her take and return the box. Carla is arrested for theft. At her trial, she admits to appropriating property belonging to another.

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

- (c) Walter starts work as a chef in a kitchen. He signs his employment contract without reading it in detail. The contract states that unused food must be disposed of at work. In previous jobs, Walter has always been allowed to take unused food home. On his first day, he sees other chefs in the kitchen taking unused food home when they leave work. The next day, he puts some unused food in his bag and takes it home. The kitchen has a CCTV camera, and Walter's boss sees him take the food. The police are called, and Walter is arrested for theft. At his trial, he admits to appropriating property belonging to another.

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

Section B

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

EITHER

- 2 (a) Describe the *mens rea* of the offence of handling stolen goods. [5]
- (b) Evaluate to what extent deterrence is the **most** effective aim when sentencing young offenders. [25]

OR

- 3 (a) Describe the *mens rea* of the offence of blackmail. [5]
- (b) Evaluate the fairness of the law of making off without payment. [25]

Source material for Question 1**Theft Act 1968****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.

Section 6 'With the intention of permanently depriving the other of it'

- (1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other's rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.

R v Lloyd (1985)

L worked at a cinema as chief projectionist. He took out movie tapes for hours at a time for the other two defendants to copy and sell. L was convicted of theft under s1(1).

Held: L's conviction was quashed as there was no intention to permanently deprive. Borrowing can amount to the intention to permanently deprive only if the intention was to return it in a changed state where it had lost its goodness, virtue, or practical value. There was no such loss as the films could still be screened.

R v Barton and Booth (2020)

Barton ran a luxury nursing home and Booth was the general manager. Over the years, the pair abused their position in order to profit from the residents. A jury convicted the defendants of various dishonesty offences. They appealed on the correct test to be used for dishonesty.

Held: The Court of Appeal held that the correct test to follow was the *Ivey v Genting Casinos* test: whether an ordinary, honest person, armed with the same factual knowledge and beliefs as the defendant, would consider the conduct dishonest.

R v Holden (1991)

H worked for Kwik Fit. He took some used tyres and was convicted of theft. He said he was not dishonest since other workers did it and he believed that he was allowed to do the same. However, his contract of employment contained a clause forbidding the taking of used items.

Held: H's conviction was quashed as dishonesty under the exceptions in s2(1) Theft Act 1968 is judged entirely subjectively. It is the defendant's belief alone that counts, not what he was actually permitted or forbidden from doing.

R v Small (1987)

S took a car which he believed had been abandoned. It had been left in the same place for two weeks with the keys in the ignition.

Held: S's conviction for theft was quashed as he believed the owner could not be found. There is no requirement that the defendant's belief is reasonable, so it was immaterial that a reasonable person would have known to contact the DVLA (Driver and Vehicle Licensing Agency) to discover the owner.

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