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CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/23**

Paper 2 Criminal Law **October/November 2025**

MARK SCHEME

Maximum Mark: 60

Published

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes should be read in conjunction with the question paper and the Principal Examiner Report for Teachers.

Cambridge International will not enter into discussions about these mark schemes.

Cambridge International is publishing the mark schemes for the October/November 2025 series for most Cambridge IGCSE, Cambridge International A and AS Level components, and some Cambridge O Level components.

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Generic Marking Principles

These general marking principles must be applied by all examiners when marking candidate answers. They should be applied alongside the specific content of the mark scheme or generic level descriptions for a question. Each question paper and mark scheme will also comply with these marking principles.

GENERIC MARKING PRINCIPLE 1:

Marks must be awarded in line with:

- the specific content of the mark scheme or the generic level descriptors for the question
- the specific skills defined in the mark scheme or in the generic level descriptors for the question
- the standard of response required by a candidate as exemplified by the standardisation scripts.

GENERIC MARKING PRINCIPLE 2:

Marks awarded are always **whole marks** (not half marks, or other fractions).

GENERIC MARKING PRINCIPLE 3:

Marks must be awarded **positively**:

- marks are awarded for correct/valid answers, as defined in the mark scheme. However, credit is given for valid answers which go beyond the scope of the syllabus and mark scheme, referring to your Team Leader as appropriate
- marks are awarded when candidates clearly demonstrate what they know and can do
- marks are not deducted for errors
- marks are not deducted for omissions
- answers should only be judged on the quality of spelling, punctuation and grammar when these features are specifically assessed by the question as indicated by the mark scheme. The meaning, however, should be unambiguous.

GENERIC MARKING PRINCIPLE 4:

Rules must be applied consistently, e.g. in situations where candidates have not followed instructions or in the application of generic level descriptors.

GENERIC MARKING PRINCIPLE 5:

Marks should be awarded using the full range of marks defined in the mark scheme for the question (however; the use of the full mark range may be limited according to the quality of the candidate responses seen).

GENERIC MARKING PRINCIPLE 6:

Marks awarded are based solely on the requirements as defined in the mark scheme. Marks should not be awarded with grade thresholds or grade descriptors in mind.

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Social Science-Specific Marking Principles (for point-based marking)

1 Components using point-based marking:

- Point marking is often used to reward knowledge, understanding and application of skills. We give credit where the candidate's answer shows relevant knowledge, understanding and application of skills in answering the question. We do not give credit where the answer shows confusion.

From this it follows that we:

a DO credit answers which are worded differently from the mark scheme if they clearly convey the same meaning (unless the mark scheme requires a specific term)

b DO credit alternative answers/examples which are not written in the mark scheme if they are correct

c DO credit answers where candidates give more than one correct answer in one prompt/numbered/scaffolded space where extended writing is required rather than list-type answers. For example, questions that require *n* reasons (e.g. State two reasons …).

d DO NOT credit answers simply for using a 'key term' unless that is all that is required. (Check for evidence it is understood and not used wrongly.)

e DO NOT credit answers which are obviously self-contradicting or trying to cover all possibilities

f DO NOT give further credit for what is effectively repetition of a correct point already credited unless the language itself is being tested. This applies equally to 'mirror statements' (i.e. polluted/not polluted).

g DO NOT require spellings to be correct, unless this is part of the test. However spellings of syllabus terms must allow for clear and unambiguous separation from other syllabus terms with which they may be confused (e.g. Corrasion/Corrosion)

2 Presentation of mark scheme:

- Slashes (/) or the word 'or' separate alternative ways of making the same point.
- Semi colons (;) bullet points (•) or figures in brackets (1) separate different points.
- Content in the answer column in brackets is for examiner information/context to clarify the marking but is not required to earn the mark (except Accounting syllabuses where they indicate negative numbers).

3 Calculation questions:

- The mark scheme will show the steps in the most likely correct method(s), the mark for each step, the correct answer(s) and the mark for each answer
- If working/explanation is considered essential for full credit, this will be indicated in the question paper and in the mark scheme. In all other instances, the correct answer to a calculation should be given full credit, even if no supporting working is shown.
- Where the candidate uses a valid method which is not covered by the mark scheme, award equivalent marks for reaching equivalent stages.
- Where an answer makes use of a candidate's own incorrect figure from previous working, the 'own figure rule' applies: full marks will be given if a correct and complete method is used. Further guidance will be included in the mark scheme where necessary and any exceptions to this general principle will be noted.

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4 Annotation:

- For point marking, ticks can be used to indicate correct answers and crosses can be used to indicate wrong answers. There is no direct relationship between ticks and marks. Ticks have no defined meaning for levels of response marking.
- For levels of response marking, the level awarded should be annotated on the script.
- Other annotations will be used by examiners as agreed during standardisation, and the meaning will be understood by all examiners who marked that paper.

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Guidance on using levels-based mark schemes
Marking of work should be positive, rewarding achievement where possible, but clearly differentiating across the whole range of marks, where appropriate.

The marker should look at the work and then make a judgement about which level statement is the best fit. In practice, work does not always match one level statement precisely so a judgement may need to be made between two or more level statements.

Once a best-fit level statement has been identified, use the following guidance to decide on a specific mark:
- If the candidate's work **convincingly** meets the level statement, award the highest mark.
- If the candidate's work **adequately** meets the level statement, award the most appropriate mark in the middle of the range (where middle marks are available).
- If the candidate's work **just** meets the level statement, award the lowest mark.

Assessment objectives

AO1 Knowledge and understanding
- Demonstrate knowledge and understanding of legal concepts, principles and rules.
- Use statutes, cases, examples and legal terminology.

AO2 Analysis and application
- Analyse legal concepts, principles and rules.
- Apply legal concepts, principles and rules.

AO3 Evaluation
- Evaluate legal concepts, principles and rules.
- Communicate legal argument coherently on the basis of evidence.

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Annotations guidance for centres

Examiners use a system of annotations as a shorthand for communicating their marking decisions to one another. Examiners are trained during the standardisation process on how and when to use annotations. The purpose of annotations is to inform the standardisation and monitoring processes and guide the supervising examiners when they are checking the work of examiners within their team. The meaning of annotations and how they are used is specific to each component and is understood by all examiners who mark the component.

We publish annotations in our mark schemes to help centres understand the annotations they may see on copies of scripts. Note that there may not be a direct correlation between the number of annotations on a script and the mark awarded. Similarly, the use of an annotation may not be an indication of the quality of the response.

The annotations listed below were available to examiners marking this component in this series.

Annotations

Annotation	Meaning
	Unclear
	Accurate
	Benefit of the doubt
	Subordinate clause / consequential error
	Incorrect point
	Evaluation
	Dynamic, Horizontal Wavy line that can be expanded
Highlighter	Highlight
	Two statements are linked
	Not answered question
Off page comment	Off Page Comment
	Repeat
	Indicates that the point has been noted, but no credit has been given.
	Indicates that the point has been noted, but no credit has been given
	Correct point
	Dynamic, Vertical Wavy line that can be expanded

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Section A

Table A

Use this table to give marks for each candidate response for **Question 1(a)**, **(b)** and **(c).**

Level	AO1 Knowledge and understanding 2 marks	AO2 Analysis and application 8 marks
	Description	**Description**
3		**8 marks** • Analysis leading to a developed and logical conclusion. • Application which is fully developed.
2	**2 marks** • Identification and accurate citation of most of the relevant law.	**3–5 marks** • Analysis leading to a conclusion which may or may not be entirely appropriate. • Application which is partially developed
1	**1 mark** • Identification and citation of some relevant law.	**1–2 marks** • Analysis leading to a basic conclusion without reasoning or no conclusion. • Application which is basic.
0	**0 marks** • No creditable content	**0 marks** • No creditable content.

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Question	Answer	Marks
1(a)	**Explain how the source material will apply to Shaima.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S21 is the likely offence. • Reference to *R v Bevans (1988).* **AO2 Analysis and application** Analysis: • Shaima has made a demand with menaces with a view to gain in the form of pain relief. • Shaima may argue her demand is warranted as she was in so much pain. Application: • Under s21(1) Shaima has made a demand for an injection. • The demand is made with menaces as Shaima has pulled a knife from her bag. • Shaima makes the demand with a view to gain as she wants pain relief. • Shaima makes a gain as she gets the injection. • Shaima intends to cause Doctor Brown a loss. • Doctor Brown suffers a loss as he gives the injection. • Shaima may argue that the injection is not a gain but the injection and extra medication are property, as in *R v Bevans.* • Shaima may argue under s21(1)(a) that she has reasonable grounds for making the demand as Doctor Brown said he would give her the injection if the medication did not work. • Shaima may argue under s21(1)(b) that the use of menaces is a proper way to enforce her demand as she is in pain but using a knife is unacceptable. • Shaima will be convicted of a s21 offence. • Under s21(3) the maximum penalty is 14 years imprisonment. Accept all valid responses.	**10**
	AO1	2
	AO2	8

Question	Answer	Marks
1(b)	**Explain how the source material will apply to Michael.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S21 is the likely offence. • Reference to *R v Harvey (1981).* **AO2 Analysis and application** Analysis: • Michael has made a demand with menaces as he has threatened to harm Lawrence's reputation. • Michael has a view to gain for himself and believes his demand is warranted as the necklace is worth less than he has paid and Lawrence does not engage with his emails. Application: • There is a demand as Michael wants his money back from Lawrence and compensation. • The demand is made with menaces as Michael knows a story in the local newspaper could be bad for Lawrence's business. • Michael has a view to gain as he wants the return of the £5 000 he paid plus £1 000 compensation. • Michael intends to cause Lawrence a financial loss through compensation above the amount he paid for the necklace as well as a potential economic loss through negative impact on Lawrence's business in the local community. • Michael will be guilty of a s21 offence. • Under s21(3) the maximum penalty is 14 years imprisonment. **Alternatively:** • Under s21(1)(a) Michael may argue that he has reasonable grounds for making the demand as the necklace is worth less than he paid for it. • Under s21(1)(b) Michael may argue that the use of menaces is a proper means to reinforce his demand as he has sent Lawrence several emails asking for his money back but had no response. • Following *R v Harvey,* a jury may decide Michael's demand is not unwarranted. • Michael will not be guilty of a s21 offence. Accept all valid responses. Candidates can be credited for either conclusion as long as their reasoning is clear and logical.	**10**
	AO1	2
	AO2	8

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Question	Answer	Marks
1(c)	**Explain how the source material will apply to Ted and Penny.** Use Table A to mark candidate responses to this question. AO1 out of 2 marks. AO2 out of 8 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S21 is the likely offence. • Reference to *R v Harvey (1981), R v Hester (2007).* **AO2 Analysis and application** Analysis: • Ted has made an unwarranted demand of a large sum of money used menaces as he has threatened and attacked Khalid. • Ted has a view to gain £50 000. • Penny has a view to gain £1 000. Application: • Ted has made a demand of £50 000 from Khalid's wife. • Ted's demand is made with menaces as he threatens, attacks and abducts Khalid. • Ted has a view to gain £50 000 when he contacts Khalid's wife. • Ted intends Khalid will suffer a loss by paying the money. • Ted's demand is unwarranted because he has committed a serious criminal offence in his treatment of Khalid. • Under s21(1)(a) Ted does not have reasonable grounds for his demand. • Under s21(1)(b) using menaces is not a proper way to enforce Ted's demand. • Ted will be guilty of a s21 offence. • Under s21(3) the maximum penalty is 14 years imprisonment. • Penny may argue that the offence was complete before she became involved by receiving the money but using *R v Hester* the offence is continuing until payment is made and that is made to Penny. • Penny commits a offence because she receives £50 000 and keeps £1 000. • Penny will be guilty of a s21 offence. • Under s21(3) the maximum penalty is 14 years imprisonment. Accept all valid responses. Candidates need to deal with Ted and Penny to reach maximum marks.	**10**
	AO1	2
	AO2	8

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Section B

Table B

Use this table to give marks for each candidate response for **Question 2(b)** and **3(b)**

Level	AO1 Knowledge and understanding 10 marks	AO2 Analysis and application 6 marks	AO3 Evaluation 9 marks
	Description	**Description**	**Description**
4	**9–10 marks** • Accurate and detailed in most relevant areas. • Thorough knowledge and understanding of the most appropriate legal concepts, principles and rules, key examples, cases and/or statutory authority, and legal terminology.		
3	**6–8 marks** • Mostly accurate but may not be detailed in some relevant areas. • Good knowledge and understanding of appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**5–6 marks** • Mostly focused and reasoned analysis throughout. • The analysis is supported by effective and well-developed use of legal concepts, principles and rules, key examples, cases and/or statutory authority.	**7–9 marks** • Mostly focused and reasoned evaluation of most of the relevant issues. • Effectively supported by relevant material. • Coherent argument
2	**3–5 marks** • Some accuracy but lacks detail in relevant areas. • Some knowledge and understanding of mostly appropriate legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology	**3–4 marks** • Some reasoned analysis. • The analysis is supported by some partially developed use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**4–6 marks** • Some evaluation, reasoned at times, of some of the relevant issues. • Supported by some relevant material. • Some coherent argument.

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Level	AO1 Knowledge and understanding 10 marks	AO2 Analysis and application 6 marks	AO3 Evaluation 9 marks
	Description	**Description**	**Description**
1	**1–2 marks** • Limited accuracy. • Limited knowledge and understanding of legal concepts, principles and rules, examples, cases and/or statutory authority, and legal terminology.	**1–2 marks** • Limited analysis. • The analysis is supported by limited use or makes no use of legal concepts, principles and rules, examples, cases and/or statutory authority.	**1–3 marks** • Limited evaluation of a relevant issue. • Limited or no use of relevant material. • Limited or no argument.
0	**0 marks** • No creditable content	**0 marks** • No creditable content	**0 marks** • No creditable content

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Question	Answer	Marks
EITHER		
2(a)	**Describe the *actus reus* of the offence of fraud by false representation.** **AO1 Knowledge and understanding** • The offence is found in s2 Fraud Act 2006. • A false representation as to fact covers situations where someone uses a false identity, states they own property when they don't or makes a statement about property which is untrue. • A false representation as to law is where the defendant states the law knowing that what they say is not true. • A false representation as to state of mind is where a customer says they will pay their bill when they have no intention of doing so. • S2(4) - a representation may be express or implied. • s2(5) - representation can be made to a person or to a machine. • There is no limit on the way in which the representation is expressed • The representation does not need to be believed or have any effect on any other person. Each point made is worth 1 mark up to a maximum of 5.	**5**

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Question	Answer	Marks
2(b)	**Evaluate the fairness of the law on criminal damage.** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. AO2 out of 6 marks. AO3 out of 9 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S1(1) Criminal Damage Act 1971 is the basic offence–the *actus reus* is to destroy or damage property belonging to another without lawful excuse. • Destruction or damage is not defined by the Act; it is a matter of fact and degree based on common sense and can include temporary or permanent physical damage and/or impairment of value or usefulness - *Hardman v Chief Constable of Avon and Somerset (1986), Morphitis v Salmon (1990), R v Fiak (2005).* • Property is defined in s10(1)–it must be tangible and can be real or personal. It includes wild creatures tamed or ordinarily kept in captivity, and other wild creatures or their carcasses only if they have been reduced into possession which has not been lost or abandoned or are in the course of being so reduced. It does not include mushrooms, flowers, fruit or foliage of a plant growing wild on any land. • The property must belong to another–this is similar to s5 Theft Act 1968 but requires custody and control of property not possession or control. • Lawful excuses are in s5 based on a subjective belief honestly held. • The *mens rea* is intention or recklessness, the latter is defined subjectively–*R v Cunningham (1957), R v G (2004)*. • S1(2) is the aggravated offence–the elements are similar to the basic offence but there must be an intention or recklessness to endanger life and there is no defence of lawful excuse. • S1(3) is arson–the elements are as in the basic offence but damage must be caused by fire; lawful excuse is a defence–*R v Denton (1982).* • Basic criminal damage of a value less than £5000 is a summary offence with a maximum penalty fine and/or three months' imprisonment; a value over £5000 is triable either way with a maximum penalty of 10 years' imprisonment; arson is triable either way and the maximum summary sentence is six months' and on indictment the maximum sentence is life imprisonment; aggravated criminal damage and aggravated arson are triable on indictment and the maximum sentence is life imprisonment.	**25**

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Question	Answer	Marks
	AO2 Analysis and application Analysis: • Criminal damage is a necessary but varied offence which can make it complex and potentially unfair. • A lot depends on choosing the right offence to reflect the facts; the number of elements which have to be satisfied can make it hard for juries to understand and so deliver fair verdicts. • Key terms are not always clearly defined which does not necessarily lead to fair labelling. • Some key concepts such as recklessness have changed their meaning which can impact on fairness. • Sentencing can also be complex and can lead to unfairness. **AO3 Evaluation** • The CDA 1971 has clarified the law in many ways and tried to create a useful range of offences complex overlaps can give rise to unfairness. • Some fundamental key terms lack a clear definition which can lead to difficulties for juries. For example, the meaning of 'destroy' or 'damage' is vague and does not necessarily fit with common sense which can impact on the law's fairness. • Juries can struggle to decide whether damage was done to protect from immediate danger and this can lead to perverse and unfair verdicts. • The range of offences helps with fairness as it reflects different ways damage can occur and its increasing seriousness as well as potential danger to the public. • In offences where the *mens rea* includes recklessness this is a subjective test based on the defendant's fault and so it is fair they should be punished as they have to take responsibility for their actions. • However if can lead to unfairness if a defendant escapes conviction by saying that damage is caused but they say they did not see a risk. • The grading of sentencing helps with fairness as well as providing a useful deterrent and giving public confidence. Accept all valid responses.	
	AO1	10
	AO2	6
	AO3	9

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Question	Answer	Marks
OR		
3(a)	**Describe the two types of discharges used as sentences.** **AO1 Knowledge and understanding** • A conditional discharge is when a court discharges an offender on condition that they do not reoffend during a set period of up to three years. • A conditional discharge is used where it is thought that punishment is not necessary. • If an offender reoffends within the time limit, a sentence can be imposed in place of the conditional discharge, and a penalty for the new offence. • Conditional discharges are widely used by Magistrates' Courts for first-time minor offenders. • An absolute discharge means there is a conviction but no penalty is imposed. • This is often when an offender is technically guilty but morally blameless. Each point made is worth 1 mark up to a maximum of 5. Both types of discharge need to be dealt with to reach maximum marks.	**5**

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Question	Answer	Marks
3(b)	**Evaluate the effectiveness of the law in s8 Theft Act 1968.** Use Table B to mark candidate responses to this question. AO1 out of 10 marks. AO2 out of 6 marks. AO3 out of 9 marks. **Indicative content** Responses may include: **AO1 Knowledge and understanding** • S8 Theft Act 1968 is the offence of robbery. • All elements of theft must be present or there can be no conviction for robbery–*R v Zerei (2012), R v Waters (2015).* • At the moment the theft is complete there can be a robbery–*Corcoran v Anderton (1980).* • There must be a use of force or putting or seeking to put a person in fear of force–the amount of force can be small and the victim does not need to be frightened–*R v Dawson and James (1976), R v Clouden (1985), P v DPP (2012), B and R v DPP (2007).* • The force must be used before or at the time of stealing–this can be as part of an ongoing situation–*R v Hale (1979), R v Lockley (1995).* • The force must be in order to steal–if a theft is already complete and then force is applied this is not robbery. • The defendant must possess the same *mens rea* as for theft. • The defendant must also intend to use force or the threat of force in order to steal. • Robbery is an indictable offence with a maximum penalty of life. **AO2 Analysis and application** Analysis: • The use of force is an indicator of blame which helps with effective sentencing. • The intention to use force leads to a higher sentence and helps to reflect blameworthiness as well as being an effective deterrent and a way in which the public can be kept safe. • Different categories of robbery help with effectiveness by providing fair labelling and appropriate sentencing - street and less-sophisticated commercial robbery, professionally planned commercial robbery and robbery in a dwelling. • The development of the law shows complexity as the statutory definition has been extended which can impact on effectiveness. • This is a serious offence so juries need to be sure of the elements so they can perform their role effectively and convict appropriately.	**25**

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Question	Answer	Marks
3(b)	**AO3 Evaluation** • Robbery requires a theft to be completed but this has been problematic in terms of delivering effectiveness as appropriation in theft occurs at one point in time but in robbery it can be a continuing act. • This helps with effectiveness as it allows juries to convict, particularly where there is more than one defendant and each plays a different role in the full offence; this can ensure conviction for a serious offence with a high maximum penalty and a significant stigma which helps with effective public protection. • It could be argued that there is ineffectiveness as robbery requires a completed theft but this is not necessarily consistent with the law of burglary. • The level of force required for robbery is very low and 'force' is said to be an ordinary word which juries can decide on but this can lead to arbitrary decisions which in turn impact on effectiveness. • Often there is no problem as the force is clearly significant; however, as the amount of force required is very low, this can lead to inconsistency between juries. • As the force must enable the theft to be committed accidentally making contact with someone from whom the defendant has just stolen property could be robbery, which might lead to harsh convictions, sentences and stigma; this can make the law ineffective. • Uncertainties may have the opposite effect and make juries unwilling to convict as they are not sure robbery is the right offence even though the evidence supports such a conviction which also makes the law ineffective. Accept all valid responses.	
	AO1	10
	AO2	6
	AO3	9

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