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Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/23**

Paper 2 Criminal Law **October/November 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.

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Section A

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

1 **(a)** Shaima has severe back pain. She is prescribed medication by Doctor Brown. He says if it does not work, he will give her an injection. The medication makes no difference, so Shaima asks to see Doctor Brown again. She is told there are no appointments for a month. A week later, Shaima goes to Doctor Brown's office, pulls a knife from her bag, and demands an injection. Doctor Brown gives Shaima an injection. She leaves, and Doctor Brown calls the police. Shaima is charged with blackmail.

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

(b) Michael buys a necklace from Lawrence, a well-known shopkeeper in the local town, for £5000. Michael then discovers the necklace is only worth £50. He emails Lawrence asking for his £5000 back and £1000 compensation. Lawrence refuses to pay. Michael sends several more emails, but Lawrence does not reply. Michael then emails Lawrence saying, 'Unless you pay all the money you owe me, an article will be published in the local newspaper tomorrow. It will say that you owe me money and that you are a cheat.' Lawrence contacts the police, and Michael is charged with blackmail.

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

(c) Penny, a police officer, has a debt of £1000. She tells her brother Ted, who is a local criminal, about the debt. He says she will hear from him soon. Ted is already blackmailing a wealthy businessman, Khalid. Ted meets and threatens Khalid. As Khalid will not pay any money, Ted attacks him and takes him to an empty flat. He calls Khalid's wife and demands £50 000 for his return. Ted tells Penny that Khalid's wife will be coming to her house with £50 000. Khalid's wife brings the £50 000 to Penny's house. Penny keeps £1000 and gives the rest of the money to Ted. Ted and Penny are charged with blackmail.

Explain how the source material will apply to Ted and Penny. [10]

Section B

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

EITHER

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

(b) Evaluate the fairness of the law on criminal damage. [25]

OR

3 **(a)** Describe the **two** types of discharges used as sentences. [5]

(b) Evaluate the effectiveness of the law in s8 Theft Act 1968. [25]

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Source material for Question 1

Section 21 Theft Act 1968

(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief—
(a) that he has reasonable grounds for making the demand; and
(b) that the use of the menaces is a proper means of reinforcing the demand.

(2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.

(3) A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.

***R v Harvey* (1981)**
The three defendants had given £20 000 to the complainant for a consignment of cannabis. The consignment, however, turned out to be worthless. In response, the defendants kidnapped the complainant's wife and child and threatened to seriously harm them unless he returned their money. The trial judge directed the jury that threats to commit serious criminal offences could never be regarded as 'proper'. The jury convicted them of blackmail, and they appealed on the grounds of a misdirection.

Held: The convictions were upheld. The trial judge was wrong not to leave the question of belief that the demand was proper to the jury. The Court of Appeal was satisfied that a jury properly directed would have inevitably convicted.

***R v Bevans* (1988)**
B forced a doctor at gunpoint to provide him with an injection of morphine for pain relief. B argued that his demand was made in order to relieve his pain, not to make a gain for himself.

Held: The conviction was upheld. The doctor injected B with morphine, so property had been gained. Therefore, it fell within the offence of blackmail.

***R v Hester* (2007)**
H was a police officer who had become involved with a criminal enterprise involving blackmail of two wealthy businessmen, S and P. H's co-defendant, M, had contacted S and arranged a business meeting in a pub. When S turned up, he was attacked by a gang who were waiting for him and falsely imprisoned in an upstairs room of the pub. P was contacted by M who demanded £72 000 for the release of S. M directed P to pay the money to H. H was then contacted and informed of the situation and told to receive the money. H was convicted of blackmail and appealed contending that by the time he was involved in the criminal enterprise the demand for money had already been made and therefore he could not be liable for making a demand with menaces.

Held: The conviction for blackmail was upheld. The demand amounts to a continuing act and does not cease until the threat ceases. The demand in this case did not cease until payment. The threat was not withdrawn until the payment had been made.

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