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CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/22**

Paper 2 Criminal Law **May/June 2026**

MARK SCHEME

Maximum Mark: 60

Published

This mark scheme contains the instructions and marking guidance that our examiners used to mark candidate responses for this component.

Before they start marking, examiners complete a standardisation process. They review a range of candidate responses and discuss the mark scheme in detail to agree which answers can and cannot be accepted. Examiners award marks where it is clear that candidate responses have met the requirements of the mark scheme. These requirements may vary between different components or different versions of the same component, depending on the exact requirements of the question and the candidate responses seen during the standardisation process.

Sometimes, our mark schemes may allow marks to be awarded to responses which contain elements that are factually incorrect or for content not covered by the syllabus. We do this in response to the demands of a specific question to support candidates and make sure that our assessments are fair. However, these allowances should not be used as a guide for teaching and learning.

We cannot discuss the mark scheme with schools, and we recommend that schools read the mark scheme together with the assessment material and the Principal Examiner Report for Teachers.

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General marking principles

All examiners must apply these marking principles when marking candidate responses.

1	Examiners must award marks for each response in line with: • the specific **content** defined in the mark scheme • the specific **skills** defined in the mark scheme or in the level descriptions • the **standard of response** required as exemplified by the standardisation scripts.
2	Examiners must award **whole marks** (not half marks, or other fractions).
3	Examiners must award marks **positively**. This means that: • marks are not deducted for errors or omissions • marks are awarded for correct/valid answers as defined in the mark scheme and also for **other valid answers** which go beyond the scope of the syllabus and mark scheme referring to your team leader as appropriate • the quality of spelling, punctuation and grammar are judged **only** when the mark scheme indicates that these features are **specifically assessed** in the question. However, the meaning of all responses must be unambiguous.
4	Examiners must **consistently** apply the requirements of the mark scheme and any rules for what to do when candidates have not followed instructions correctly.
5	Examiners must use the **full range of marks** defined in the mark scheme, unless limited by the quality of the candidate responses seen.
6	Examiners must award marks according to the mark scheme and **must not** award marks with grade thresholds or grade descriptions in mind.

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Social Sciences-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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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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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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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		**6-8 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 Bella.** 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** • s22(1) is the relevant offence. • Reference to s22(2), *R v Pitchley* (1972) and/or *R v Moys* (1984). **AO2 Analysis and application** Analysis: • Bella commits a s22(1) offence. • As part of the *actus reus* Bella needs to handle stolen property. • As part of the *mens rea* Bella needs to know or believe that the bracelet is stolen. Application: • The bracelet is stolen property as Toby has taken it from Sandra's shop. • Bella handles stolen property as she retains the bracelet once she realises it is the one Toby has given her and decides to do nothing – *R v Pitchley* (1972). • Bella at least believes that the bracelet is stolen as it is unique and distinctive. • Bella's belief is reinforced as she sees Sandra's internet appeal for its return. • Bella knows the bracelet belongs to Sandra as she has seen Sandra's internet appeal for its return – *R v Moys* (1984). • Bella is dishonest as she retains the stolen bracelet. • Bella is guilty of handling stolen goods under s22(1). • Bella is liable for a maximum of 14 years imprisonment under s22(2). Accept all valid responses.	**10**
	AO1	2
	AO2	8

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Question	Answer	Marks
1(b)	**Explain how the source material will apply to Frank.** 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** • S22(1) is the relevant offence. • Reference to *Haughton v Smith* (1975) and/or *R v Moys* (1984). **AO2 Analysis and application** Analysis: • Frank has not committed a s22(1) offence. • As part of the *actus reus* Frank needs to handle stolen goods. • As part of the *mens rea* Frank needs to know or believe that the cell phone is stolen. Application: • The stolen cell phones in Suzy's shop are now in the lawful custody of PC Clara so they are no longer stolen – *Haughton v Smith* (1975). • This means that the cell phone Frank buys is not stolen property. • When Frank enters Suzy's shop he has a strong suspicion he is going to buy a stolen cell phone. • Frank buys a cell phone from PC Clara believing it is stolen – *R v Moys* (1984). • As Frank receives what he believes to be a stolen cell phone he is dishonest. • Frank has the *mens rea* but lacks the *actus reus* for a s22(1) offence. • This means that when PC Clara arrests Frank he is not handling stolen goods. • Frank will not be convicted of a s22(1) offence. Accept all valid responses.	**10**
	AO1	2
	AO2	8

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Question	Answer	Marks
1(c)	**Explain how the source material will apply to Ranjit.** 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** • S22(1) is the relevant offence. • Reference to *R v Moys* (1984). **AO2 Analysis and application** Analysis: • Ranjit has not committed a s22(1) offence. • As part of the *actus reus* Ranjit needs to handle stolen goods • As part of the *mens rea* Ranjit needs to know or believe that the watch is stolen Application: • The watch is stolen goods as Amir stole it from a jewellery shop. • Ranjit has handled stolen goods as he has assisted Amir in his disposal of the watch by purchasing it from him. • Ranjit's initial suspicion that the watch is stolen is insufficient for a conviction – *R v Moys* (1984). • Amir's production of the authentic looking receipt means that Ranjit is no longer suspicious. • Ranjit therefore does not know or believe that the goods are stolen. • This means Ranjit is not dishonest. • Ranjit has the *actus reus* but lacks the *mens rea* for a s22(1) offence. • Ranjit will not be convicted of a s22(1) offence. Accept all valid responses.	**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)	**Identify the mitigating factors that the court considers when sentencing adult offenders.** **AO1 Knowledge and understanding** • No previous convictions. • Showing genuine remorse. • Taking a minor part in the offence. • Pleading guilty. • Ready co-operation with the authorities. • Mental health issues. • Learning difficulties. 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 law relating to legal causation in *actus reus.*** 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** • Where the *actus reus* requires a guilty consequence, the prosecution has to prove causation. • Most causation cases relate to homicide offences – did the defendant cause the victim's death? • Legal causation requires the prosecution to prove that the defendant was the legal cause, *R v Blaue* (1975), *R v Dalloway* (1847). • If the defendant claims that the chain of causation has been broken it is the job of the prosecution to prove otherwise, *R v Roberts* (1971), *R v Williams and Davis* (1992). • Medical treatment may or may not break the chain of causation - *R v Smith* (1959), *R v Cheshire* (1991), *R v Malcherek and Steel* (1981), *R v Jordan* (1956). • Acts of a third party or the victim's own acts may or may not break the chain of causation – *R v Roberts* (1971), *R v Williams and Davis* (1992). • Natural and unpredictable events may break the chain of causation. • Thin skull rule – the defendant must take the victim as they find them – *R v Blaue* (1975). **AO2 Analysis and application** • In *R v Dalloway* (1847) the defendant's act did not cause the death whereas in *R v Blaue* (1975) the defendant's act did cause the death • 'Thoroughly bad' or understandable medical treatment will not break the chain of causation in *R v Smith* (1959), *R v Cheshire* (1991) and *R v Malcherek and Steel* (1981). • Palpably wrong medical treatment will break the chain of causation, *R v Jordan* (1956). • If a victim's or a third party's reaction to D is not daft or not free, deliberate and informed the chain of causation will not be broken, *R v Roberts* (1971), *R v Pagett* (1983). • If the victim's acts are not in proportion to the threat the chain of causation is broken, *R v Williams and Davis* (1992) • The defendant must take the victim as found – the thin skull rule – *R v Blaue* (1975).	**25**

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Question	Answer	Marks
2(b)	**AO3 Evaluation** • In the vast majority of cases the rules operate fairly resulting in an appropriate conviction or acquittal. • The chain will be broken by an intervening act that is 'sufficiently independent' and 'sufficiently serious'. Neither of these phrases are suitably clear to allow the jury to make an objective decision and as a result the law in this area is unclear. • In cases where medical treatment is involved the courts tend to support the emergency services by holding the defendant liable even when the treatment is thoroughly bad. This seems unfair on the defendant. • However, it is fair that the defendant is liable even if treatment is 'thoroughly bad' as this protects the emergency services who are doing their best for the victim. • Where the medical treatment is 'palpably wrong' it is right that D escapes liability. • The 'thin skull rule' fairly protects the victim who is particularly vulnerable. • Some have argued that the defendant in Blaue could have been convicted of a lesser offence as the victim chose not to save her own life. Alternatively, in Blaue the court came to the correct decision as it was the defendant's act that led to the victim's death. • The 'daftness' or 'unreasonableness' test for victim's own act seems to operate fairly. • It is right that the defendant is convicted where the third party does not act in a 'free, deliberate and informed' way in response to the defendant's act. Accept all valid responses. NO CREDIT in this question for FACTUAL causation.	**25**
	AO1	10
	AO2	6
	AO3	9

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Question	Answer	Marks
OR		
3(a)	**State the requirements that can be attached to a youth rehabilitation order.** **AO1 Knowledge and understanding** • An activity requirement. • A supervision requirement. • An unpaid work requirement. • A programme requirement to take part in set activities. • An attendance centre requirement. • A prohibited activity requirement to refrain from taking part in specified activities at certain times. • A curfew requirement. • An exclusion requirement. • A residence requirement to live at a certain address. • A mental-health treatment requirement. • A drug treatment requirement. • A drug testing requirement. • An intoxicating substance treatment requirement. • An education requirement. Each point made is worth 1 mark up to a maximum of 5.	**5**

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Question	Answer	Marks
3(b)	**Evaluate the effectiveness of s9 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** • Burglary is a statutory offence, s9 Theft Act 1968. • The offence has three common elements. • Entry – *R v Brown* (1985), *R v Ryan* (1996). • Of a building or part of a building under s9(4) – *B and S v Leathley* (1979), *Norfolk Constabulary v Seekings and Gould* (1986), *R v Walkington* (1979). • As a trespasser – *R v Collins* (1973), *R v Jones and Smith* (1976). • s9(1)(a) requires the ulterior intent to commit an offence listed in s9(2) – stealing; unlawful damage; grievous bodily harm. • s9(1)(b) requires theft or grievous bodily harm or an attempt to commit either of these two after entry. • The maximum penalty for burglary is 14 years' imprisonment for a dwelling, or in other cases 10 years' imprisonment. **AO2 Analysis and application** • Entry is not defined in the Act but is given a wide meaning to include partial or incomplete, *R v Ryan* (1996). • Building is not defined; it includes inhabited vehicles or vessels, *B and S v Leathley* (1979) but a trailer resting on wheels is not a building, *Norfolk Constabulary v Seekings and Gould* (1986). • Part of a building can create liability if there is no permission to be there, *R v Walkington* (1979). • Trespass requires knowledge on the defendant's part that they are not entitled to enter, *R v Collins* (1973). • Going beyond permission means that D becomes a trespasser, *R v Jones and Smith* (1976). • Conditional intention is sufficient for a s9(1)(a) conviction, *Attorney General's Reference (Nos 1 and 2 of 1979)* (1979)	**25**

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Question	Answer	Marks
3(b)	**AO3 Evaluation** • Key elements of the offence have not been defined by the Theft Act 1968 and this undermines the effectiveness of the law. • There is no effective statutory definition of 'enter' and courts have struggled to explain what is meant by 'enter'. Some argue the current definition in *Ryan* strays too far from Parliament's original intention • The term 'building or part of a building' is extended in s9(4) to include inhabited vehicles and vessels but there is no comprehensive definition of the word building. This undermines the effectiveness of the statute with courts having to rely on earlier case law • Likewise, the statute does effectively not define 'trespasser' and again the courts have to consult case law. • Going beyond permission is a problematic issue. The victim in *R v Jones and Smith* (1976) did not seek a conviction. However, the defendants were convicted. • Many have argued that the creation of two types of burglary is problematic. It might be more effective to merge the elements into a single offence. • It seems strange that the s9(1)(a) offence includes criminal damage, but the s9(1)(b) offence does not. • The s9(1)(a) offence seems to prioritise property over people. So, intention to do some damage to property is sufficient for a conviction whereas intention to commit grievous bodily harm is needed for a conviction. The latter is a very high bar. • The s9(1)(b) offence is far easier to prove than the s9(1)(a) offence. The intention element in s9(1)(a) is more difficult than proving the factual element in s9(1)(b). • It is fair and effective that the maximum sentence for domestic burglary (14 years) exceeds the maximum sentence for non-domestic burglary (10 years). The law thereby recognises that the emotional impact on the victim of a domestic burglary exceeds the emotional impact of a non-domestic burglary. Accept all valid responses.	
	AO1	10
	AO2	6
	AO3	9

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