GradeMax

CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/23**

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

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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[Turn over

Section A

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

1 **(a)** Belinda wants to change the colour of her hair and visits Grace's hairdressing shop. Belinda chooses a colour, and they agree a price of £100. Grace changes the colour of Belinda's hair. Belinda says that her hair is not the colour agreed. Grace demands the £100 saying that she has done exactly what Belinda requested. Belinda refuses to pay anything and stays in the shop whilst Grace calls the police. The police come to the shop and arrest Belinda.

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

(b) Charles books and pays in advance for an overnight stay at a hotel. He mistakenly believes that the payment includes breakfast. Charles has breakfast at the hotel and leaves without paying for it. The hotel contacts the police, and Charles is arrested later in the day.

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

(c) Sue is driven home from the train station by Tony in his taxi. When they arrive, Tony tells her the fare is £20. Sue says that she needs to go into the house to get the money and leaves the taxi. Sue decides not to pay, so she runs away and hides. Sue is later arrested by the police.

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

Section B

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

Either

2 **(a)** Describe the aggravating factors that the court considers when sentencing adult offenders. [5]

(b) Evaluate the fairness of the law relating to the *mens rea* of theft. [25]

Or

3 **(a)** Describe the *actus reus* of the offence of robbery. [5]

(b) Evaluate the law relating to the offence in s.22 Theft Act 1968. [25]

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Source Material for Section A Question 1

Theft Act 1978

Section 3 Making Off Without Payment

'(1) … a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence.

(2) For purposes of this section "payment on the spot" includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

***R v McDavitt* (1981)**
The defendant had an argument with the manager of a restaurant and refused to pay his bill for a meal. He got up and started to walk out but was advised not to leave as the police had been called. He then went into the toilet and stayed there until the police arrived. He had not 'made off' as he was still in the restaurant.

***R v Allen* (1985)**
The defendant owed £1286 for his stay at a hotel. He left without paying, but his defence was that he genuinely intended to pay in the near future as he was expecting to receive sufficient money to cover the bill from business transactions. His conviction was quashed because it had not been proved that he intended to evade payment altogether.

***R v Wilkinson* (2018)**
A taxi driver refused to let a passenger out of his cab as he had had an argument with her. He drove her back to where he had first picked her up, rather than to her destination. As he had not provided the service for which she had asked, which was to be taken to her home address, she was under no obligation to pay, so payment on the spot was not required.

***R v Barton and Booth* (2020)**
The Court of Appeal confirmed that the test for dishonesty in criminal cases was: 1 What was the defendant's actual state of knowledge or belief as to the facts? 2 Was their conduct dishonest by the standards of ordinary decent people?

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