



FREE CLASSROOM RESOURCE

Criminal Law Scenario Practice Pack

Three source-based scenario questions on theft, robbery and fraud, in the style of Cambridge International AS & A Level Law (9084) Paper 2 Section A

1

Theft

Theft Act 1968 ss1–6

2

Robbery

Theft Act 1968 s8

3

Fraud

Fraud Act 2006 ss2 and 11

INSIDE

Teacher notes · student guide to “Explain how the source material will apply to...” · three sources with statutory extracts and case summaries · nine 10-mark questions with lined answer pages · nine annotated model answers · levels-based marking guidance and indicative content

FOR TEACHERS

Teacher notes

This pack contains three complete source-based questions in the style of Paper 2 Section A. Each has a **source** (statutory extracts and short Exam Vista case summaries), a **scenario** about three people, and three 10-mark parts with the command “Explain how the source material will apply to [name]”. Each part is marked AO1 2 + AO2 8, so each scenario is a full 30-mark Section A question.

HOW TO USE IT

- **One scenario per lesson** (50–60 minutes): 5 minutes reading the source, then about 13 minutes per part, leaving time for feedback.
- **Homework or timed mock**: allow 45 minutes per scenario, the time a student should spend on Section A in the exam.
- **Peer marking**: students swap scripts and mark with the levels guide (p. 19), then compare with the model answer.
- **Feedback**: the model answers apply the law element by element and carry AO1/AO2 margin tags, so students can see where the marks come from.

DIFFERENTIATION

- **Support**: each question page has an element checklist. Students note the key facts against each element before writing. Read the source together and underline each element.
- **Stretch**: fold the checklist away. For the person whose liability is unclear, students write the strongest argument for each side before concluding.

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DESIGN NOTE

In each scenario one person is clearly liable, one could go either way, and for one a key element is probably missing. Do not tell students which is which: spotting the difference is the skill.

MARKING

The levels guide and indicative content are Exam Vista guidance, not an official Cambridge mark scheme.

THE PACK AT A GLANCE

SCENARIO	OFFENCE • SOURCE	PEOPLE	KEY AUTHORITIES IN THE SOURCE
1 • Theft	Theft Act 1968 ss1–6	Priya • Kwame • Ellie	<i>Morris</i> ; A-G's Ref (No 1 of 1983); <i>Robinson</i> ; <i>Ivey</i> ; <i>Barton and Booth</i> ; <i>Velumyl</i> ; <i>Lloyd</i>
2 • Robbery	Theft Act 1968 s8	Liam • Sadia • Daniel	<i>Dawson and James</i> ; <i>Clouden</i> ; <i>Corcoran v Anderton</i> ; <i>Hale</i> ; <i>Lockley</i> ; <i>Vinall</i>
3 • Fraud	Fraud Act 2006 ss2, 11	Marcus • Gethin • Amara	<i>Ivey</i> ; <i>Barton and Booth</i> ; <i>Lambie</i> ; <i>Rai</i>

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FOR STUDENTS

How to answer: “Explain how the source material will apply to...”

Section A gives you the law. Your job is to **use** it. Each 10-mark part is about one person: only **2 marks** reward identifying and citing the law (AO1); **8 marks** reward applying it to the facts (AO2). To reach the top level, your analysis must lead to a clear, reasoned conclusion. Criticising the law earns nothing here.

TIMING • ABOUT 45 MINUTES

READ 5	PART (a) 13 MIN	PART (b) 13 MIN	PART (c) 13 MIN	✓
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THE FIVE-STEP METHOD

- 1 Map the source before you read the story**
Split the statutory extract into numbered elements. Beside each one, write the case from the source that explains it. This map is your plan for all three parts.
- 2 Hunt the facts for one person at a time**
Underline every fact about the named person that touches an element. Mark with a ? any fact that could point either way: that is where the marks are.
- 3 Open with the offence and its elements**
In one or two sentences, name the offence and section and list what must be proved. This secures AO1 and shows the examiner your route.
- 4 Work element by element: element, fact, case, decision**
State the element, apply a specific fact, compare it with the source case (“like...”, “unlike...”), then make a mini-decision. Spend most time on the element that is in doubt.
- 5 Conclude for this person**
Is the offence likely to be made out? Name the element that decides it. If the facts are open, say what the answer depends on, then say which outcome is more likely.

A sentence frame for step 4: “The source says [element]. Here, [name] [specific fact]. This is like / unlike [case], where [brief facts]. So [element] is / is probably not satisfied.”

EARNs MARKS	WASTES TIME
Using the words of the statute to name each element	Copying out the source
Linking a specific fact to each element	Retelling the scenario
Comparing the facts with a source case	Naming a case without saying why it matters
Arguing both ways where the facts are unclear	Criticising the law or suggesting reforms
A separate, reasoned conclusion for each person	No conclusion, or one sentence for everyone at the end

BEFORE YOU MOVE ON TO THE NEXT PERSON • SELF-CHECK

☐ I named the offence and section • ☐ I dealt with every element • ☐ each element has a fact from the scenario • ☐ I compared at least one source case • ☐ I argued both ways where the facts are unclear • ☐ I wrote a conclusion naming the deciding element

SCENARIO 1 • THEFT

Source material

SOURCE 1 • THEFT

Theft Act 1968 • s1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it." Maximum sentence: 7 years (s7).

Summary of ss2-6

s2(1): an appropriation is not dishonest if the person believes (a) that he has in law the right to deprive the other of the property; (b) that he would have the other's consent if the other knew of the appropriation and its circumstances; or (c) that the owner cannot be discovered by taking reasonable steps.

s2(2): an appropriation may be dishonest even though the person is willing to pay for the property.

s3(1): "Any assumption by a person of the rights of an owner amounts to an appropriation." This includes, where he came by the property innocently, a later assumption of a right to it by keeping or dealing with it as owner.

s4(1): property includes money and all other property, real or personal, including things in action and other intangible property.

s5(1): property belongs to any person having possession or control of it, or any proprietary right or interest in it. **s5(4):** where a person gets property by another's mistake and is under a legal obligation to restore it, it is treated as belonging to the person entitled to restoration.

s6(1): a person intends permanently to deprive if he intends to treat the thing as his own to dispose of regardless of the other's rights. A borrowing may amount to this if it is for a period and in circumstances making it equivalent to an outright taking or disposal.

R v Morris [1984] • EXAM VISTA SUMMARY

The defendant swapped price labels on goods in a supermarket. The House of Lords held that appropriation means assuming **any** of the rights of an owner; it is not necessary to assume all of them.

Attorney-General's Reference (No 1 of 1983) [1985] • EXAM VISTA SUMMARY

A police officer's employer paid too much into her bank account by mistake, and she did nothing about it. Because she was under a legal obligation to repay the overpayment, s5(4) treated the money as belonging to her employer, so keeping it dishonestly was capable of being theft.

R v Robinson [1977] • EXAM VISTA SUMMARY

The defendant was owed money by a man's wife. He used force on the man and took money from him, honestly believing he was legally entitled to it, although not that he was entitled to use force to get it. A belief in a legal right to the property is enough under s2(1)(a), so he was not dishonest, there was no theft, and his robbery conviction was quashed.

Ivey v Genting Casinos [2017]; R v Barton and Booth [2020] • EXAM VISTA SUMMARY

Where s2(1) does not apply, the jury first decides what the defendant actually knew or believed about the facts, and then whether the conduct was dishonest by the standards of ordinary decent people. The defendant's own view of what is honest is irrelevant.

R v Velumyl [1989] • EXAM VISTA SUMMARY

An employee took over £1,000 from his employer's safe without permission, intending to replace it later. He had an intention permanently to deprive, because he did not intend to return the same notes and coins.

R v Lloyd [1985] • EXAM VISTA SUMMARY

A cinema employee removed films for a few hours so that they could be copied, then returned them. There was no intention permanently to deprive: a borrowing is enough under s6 only if the thing is returned with its "goodness, virtue and practical value" gone.

SCENARIO 1 • THEFT

Scenario and questions

SCENARIO 1

Priya manages the café at a garden centre in Leicester. Short of money before payday, she takes £150 in notes from the café till at closing time without telling anyone. The staff handbook states that staff must never take money from a till for personal use. Priya plans to put back £150 of her own money when she is paid next Friday, but the shortfall is discovered on Wednesday.

Kwame works for a delivery company in Cardiff. The company's payroll system mistakenly pays him £1,280 for the month instead of £640. He notices the next day. For months Kwame has complained that he is owed about £600 for overtime that was never paid. He tells a friend, "They owed me that anyway. Now we're square," and spends the money on a laptop. The company later shows that his overtime claim was mistaken.

Ellie, a sixth-form student in Bristol, sees her classmate Josh's wireless headphones on a table in the common room. Without asking, she takes them to use on the train home, intending to give them back the next morning. The next morning she hands them back to Josh, undamaged, saying, "Borrowed these, hope that's OK." Josh is annoyed and reports her.

- (a) Explain how the source material will apply to **Priya**. [10]
- (b) Explain how the source material will apply to **Kwame**. [10]
- (c) Explain how the source material will apply to **Ellie**. [10]

Total: 30 marks • about 45 minutes. Use only the law in Source 1. Reach a conclusion for each person.

ELEMENT CHECKLIST • SUPPORT

Stretch: fold this section back and plan without it.

ELEMENT • SOURCE	PRIYA	KWAME	ELLIE
Appropriation <i>s3(1) • Morris</i>			
Property <i>s4(1)</i>			
Belonging to another <i>s5(1), s5(4) • A-G's Ref (No 1 of 1983)</i>			
Dishonesty <i>s2 • Robinson • Ivey; Barton and Booth</i>			
Intention permanently to deprive <i>s6(1) • Velumyl • Lloyd</i>			
Conclusion <i>Liable? Which element decides it?</i>			

S1 (a)

Explain how the source material will apply to Priya.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Priya.

S1 (b)

Explain how the source material will apply to Kwame.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Kwame.

S1 (c)

Explain how the source material will apply to Ellie.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

[illegible]

Element → fact → source case → decision. Finish with a conclusion for Ellie.

SCENARIO 2 • ROBBERY

Source material

SOURCE 2 • ROBBERY

Theft Act 1968 • s8(1)

“A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.”

s8(2): maximum sentence: life imprisonment.

Theft Act 1968 • s1(1)

“A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.”

Summary: appropriation is any assumption of the rights of an owner (s3(1)). Dishonesty: the jury decides what the defendant actually knew or believed, then whether the conduct was dishonest by the standards of ordinary decent people (*Ivey v Genting Casinos* [2017]; *R v Barton and Booth* [2020]).

R v Dawson and James (1976) • EXAM VISTA SUMMARY

One defendant nudged the victim so that he lost his balance, and another took his wallet. “Force” is an ordinary word, and it is for the jury to decide whether force was used. Even a small amount can be enough.

R v Clouden [1987] • EXAM VISTA SUMMARY

The defendant wrenched a shopping bag out of the victim's grasp. Force applied to property can be force on the person where it is transmitted to the victim through the property.

Corcoran v Anderton (1980) • EXAM VISTA SUMMARY

Two youths tried to snatch a woman's handbag. One tugged at it until it fell, and they ran off without it. The appropriation was complete when the bag was seized, so this was robbery although they never got away with the bag.

R v Hale (1978) • EXAM VISTA SUMMARY

Two defendants entered a house. One went upstairs and took a jewellery box; before they left, they tied up the householder. Appropriation is a continuing act: it is for the jury to decide whether the theft was still in progress when force was used.

R v Lockley [1995] • EXAM VISTA SUMMARY

The defendants took cans of beer from an off-licence and used force on the shopkeeper who tried to stop them leaving. Applying *Hale*, the theft was still continuing, so the force was used at the time of stealing and this was robbery.

R v Vinall [2011] • EXAM VISTA SUMMARY

The defendants punched a cyclist, who ran off. They walked away with his bicycle and abandoned it at a bus shelter some distance away. The robbery convictions were quashed: the jury had to be sure that the intention to permanently deprive existed when the force was used. If it was formed only later, there was no robbery.

SCENARIO 2 • ROBBERY

Scenario and questions

SCENARIO 2

Liam waits near a cash machine in Manchester. As Grace walks away from the machine, he comes up behind her, grabs the strap of her shoulder bag and yanks it so hard that her arm is pulled backwards and she is spun round. The strap breaks and Liam runs off with the bag, which contains her purse and phone.

Sadia puts two bottles of perfume, worth £180, inside her coat in a Birmingham department store and walks out without paying. A store detective, Mr Lewis, follows her. About 40 metres down the street, less than a minute after she left the store, he takes hold of her arm and asks her to come back. Sadia pushes him hard in the chest. He stumbles backwards and she runs off with the perfume.

Daniel argues with Oskar at a skate park in Swansea about an insulting online post. Losing his temper, Daniel shoves Oskar off his electric scooter. Oskar falls, gets up and runs home, leaving the scooter on the ground. Several minutes later Daniel notices the scooter is still there and rides it home. The following week he sells it online. He tells the police, "I only pushed him because of what he'd said. I didn't think about the scooter until he'd gone."

- (a) Explain how the source material will apply to **Liam**. [10]
- (b) Explain how the source material will apply to **Sadia**. [10]
- (c) Explain how the source material will apply to **Daniel**. [10]

Total: 30 marks • about 45 minutes. Use only the law in Source 2. Reach a conclusion for each person.

ELEMENT CHECKLIST • SUPPORT

Stretch: fold this section back and plan without it.

ELEMENT • SOURCE	LIAM	SADIA	DANIEL
Theft (all five elements) <i>s1(1) • Ivey; Barton and Booth</i>			
Force or fear of force on any person <i>Dawson and James • Clouden</i>			
Immediately before or at the time of stealing <i>Hale • Lockley • Corcoran v Anderton</i>			
In order to steal <i>s8(1) • Vinall</i>			
Conclusion <i>Liable? Which element decides it?</i>			

S2 (a)

Explain how the source material will apply to Liam.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Liam.

S2 (b)

Explain how the source material will apply to Sadia.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Sadia.

S2 (c)

Explain how the source material will apply to Daniel.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Daniel.

SCENARIO 3 • FRAUD

Source material

SOURCE 3 • FRAUD**Fraud Act 2006 • Summary of s1 and s2**

s1: a person is guilty of fraud if he commits fraud by false representation (s2), failing to disclose information (s3) or abuse of position (s4). Maximum sentence: 10 years.

s2(1): a person commits fraud by false representation if he dishonestly makes a false representation, intending, by making it, to make a gain for himself or another, or to cause loss to another or expose another to a risk of loss.

s2(2): a representation is false if it is untrue or misleading, **and** the person making it knows that it is, or might be, untrue or misleading.

s2(3)-(5): a representation may be about fact or law, including a person's state of mind. It may be express or implied, and it may be made to a machine or system.

s5: "gain" and "loss" extend only to money or other property, and may be temporary or permanent.

Fraud Act 2006 • Summary of s11

A person commits the offence of obtaining services dishonestly if he obtains services for himself or another by a dishonest act, where the services are made available on the basis that payment has been, is being or will be made; he obtains them without payment having been made, or without payment in full; he knows that they are being made available on that basis, or that they might be; and he intends that payment will not be made, or will not be made in full. Maximum sentence: 5 years.

Fraud is a conduct offence • EXAM VISTA NOTE

Fraud under s2 is complete when the false representation is made with the required intention. Nobody needs to be deceived, and no gain or loss needs actually to result.

Ivey v Genting Casinos [2017]; R v Barton and Booth [2020] • EXAM VISTA SUMMARY

Dishonesty: the jury first decides what the defendant actually knew or believed about the facts, and then whether the conduct was dishonest by the standards of ordinary decent people.

R v Lambie [1982] • EXAM VISTA SUMMARY

The defendant used her credit card in a shop after exceeding her credit limit. By presenting the card she impliedly represented that she had authority to use it. (Decided under the old law of deception; the same reasoning applies to implied representations under s2.)

R v Rai [2000] • EXAM VISTA SUMMARY

The defendant applied for a council grant to adapt his elderly mother's bathroom. She died before the work started, but he did not tell the council and the work went ahead. Keeping silent after the circumstances changed was a deception. (Decided under the old law; under s2 a representation can continue, so failing to correct it can make it false.)

SCENARIO 3 • FRAUD

Scenario and questions

SCENARIO 3

Marcus finds his flatmate Tom's debit card on the kitchen table in their Nottingham flat while Tom is at work. Without asking, he uses it to pay contactless for £95 of trainers at a sports shop, and then types the card details into a website to buy a £60 video game. Tom notices both payments that evening and calls his bank.

Gethin's friend Rhian works on reception at an indoor climbing centre in Newport, where a session costs £18. Rhian waves Gethin through the entry barrier, saying, "Don't worry, I'll sort it." Gethin knows that other customers pay, but he assumes that staff are allowed to let friends in free. In fact, Rhian has no such authority and records nothing. Gethin climbs for two hours, and is let in the same way on three later visits.

Amara advertises her car for sale online in Leeds, describing it as having "genuine 41,000 miles, full service history". She copied this wording from the paperwork of the dealer who sold her the car two years ago, and the stamped service book matches the mileage display. A buyer pays £6,500. A later check shows that a previous owner had wound back the mileage before Amara bought the car; the true figure is about 90,000.

- (a) Explain how the source material will apply to **Marcus**. [10]
- (b) Explain how the source material will apply to **Gethin**. [10]
- (c) Explain how the source material will apply to **Amara**. [10]

Total: 30 marks • about 45 minutes. Use only the law in Source 3. Reach a conclusion for each person.

ELEMENT CHECKLIST • SUPPORT

Stretch: fold this section back and plan without it.

ELEMENT • SOURCE	MARCUS	GETHIN	AMARA
Which offence? s2 or s11 <i>Fraud Act 2006</i>			
Representation (s2) / services obtained (s11) <i>s2(3)–(5) • Lambie • Rai</i>			
False and known to be (or might be) untrue / known payment basis <i>s2(2) • s11</i>			
Intention: gain or loss / not to pay <i>s2(1) • s5 • s11</i>			
Dishonesty <i>Ivey; Barton and Booth</i>			
Conclusion <i>Liable? Which element decides it?</i>			

S3 (a)

Explain how the source material will apply to Marcus.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Marcus.

S3 (b)

Explain how the source material will apply to Gethin.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

Element → fact → source case → decision. Finish with a conclusion for Gethin.

S3 (c)

Explain how the source material will apply to Amara.

[10]

Name:

Date:

Mark: AO1 /2 AO2 /8

[illegible]

Element → fact → source case → decision. Finish with a conclusion for Amara.

FOR TEACHERS

Marking guidance

Use this Exam Vista levels guide for every 10-mark part. Mark AO1 and AO2 separately and add them. Decide the AO2 level by the overall quality of the application first, then the mark within the level. **This is Exam Vista guidance, not an official Cambridge mark scheme.**

AO1 • Knowledge and understanding [2 marks]

MARK	DESCRIPTOR
2	Correctly identifies the offence and the elements relevant to this person, and accurately cites the relevant statutory provisions and authorities from the source.
1	Identifies the offence or some relevant elements, but citation is thin, inaccurate or not linked to the issues this person raises.
0	No relevant law identified.

AO2 • Analysis and application [8 marks]

LEVEL	DESCRIPTOR
Level 3 6–8	Applies each relevant element to specific facts, accurately and in a logical order. Uses source authorities by comparing their facts with the scenario. Where the facts are open, considers both interpretations. The analysis leads to a developed and logical conclusion that names the decisive element. At 8, the reasoning is precise and nothing important is missed.
Level 2 3–5	Applies the law to most of the relevant elements, with some use of source authorities. Some points are asserted rather than reasoned, or the doubtful element is not fully explored. A conclusion is reached but is undeveloped or does not fully follow from the analysis.
Level 1 1–2	Limited application: largely restates the facts or the source. Elements are mentioned without being linked to facts. A conclusion is missing, or is asserted without support.
0	No creditworthy application.

MARKING NOTES

- A part without a conclusion should not normally go above Level 1 for AO2: in Exam Vista's view, the conclusion is what turns application into analysis.
- For the arguable person in each scenario, either conclusion can reach Level 3 if it is reasoned and follows from the analysis.
- Section A gives no credit for evaluation (AO3). Ignore criticism of the law; it neither earns nor loses marks.
- Credit accurate law from beyond the source, but it adds little: the source contains everything needed for full marks.
- Indicative content follows each model answer. It lists creditworthy points, not a checklist every answer must cover.

QUICK PEER-MARKING CHECK

☐ Offence and section named • ☐ every element addressed • ☐ a specific fact for each element • ☐ source case compared, not just named • ☐ doubtful element argued both ways • ☐ conclusion for this person

FOR TEACHERS AND STUDENTS

Model answers and indicative content

Each model answer would sit at the top of Level 3. Margin tags show what each paragraph is doing: **AO1** identifies and cites the law; **AO2** applies it. Model answers are longer than most students could write in 13 minutes, so that the reasoning is fully visible.

SCENARIO 1 • THEFT

(a) Priya Explain how the source material will apply to Priya. [10]

CLEARLY LIABLE

Priya may be guilty of theft under s1(1) Theft Act 1968: dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it. Five elements must be proved: appropriation (s3), property (s4), belonging to another (s5), dishonesty (s2; *Ivey*; *Barton and Booth*) and intention permanently to deprive (s6; *Velumyl*; *Lloyd*). **AO1**

Appropriation, property, belonging to another. By taking £150 from the till and keeping it, Priya assumes the rights of an owner over the notes: she decides what happens to them. *Morris* says assuming any one right is enough, so this is clearly satisfied. Notes are money, which s4(1) expressly includes. The till takings are in the possession and control of the garden centre, so they belong to another under s5(1). Her job gives her access to the till, not ownership of what is in it. **AO2**

Intention permanently to deprive. Priya will say she was only borrowing. But she did not intend to return the same notes; she meant to replace them with her own money from her wages. This is the situation in *Velumyl*, where an intention to put back an equivalent sum taken from the employer's safe was still an intention permanently to deprive, because the actual notes and coins would never be returned. Unlike *Lloyd*, where the very films were returned with their value intact, the notes Priya took are gone for good. **AO2**

Dishonesty. None of the s2(1) beliefs fits. She does not believe she has a legal right to the money; the handbook rule makes it implausible that she believed her employer would consent; and the owner is known. Her plan to repay does not help her, because s2(2) says an appropriation can be dishonest despite willingness to pay. Applying *Ivey* and *Barton and Booth*, her actual knowledge was that the money was her employer's, that she was forbidden to take it, and that she told no one. Ordinary decent people would regard secretly taking an employer's money in those circumstances as dishonest, even with a plan to repay. **AO2**

Conclusion. Every element is satisfied. Priya is likely to be guilty of theft. *Velumyl* defeats her argument that she was borrowing, and s2(2) defeats her argument that she meant to repay. **AO2**

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s1(1) definition and its five elements; s3(1) with *Morris*; s4(1) money; s5(1) possession or control; s2(1) and s2(2); *Ivey/Barton and Booth* two-stage test; s6(1) with *Velumyl* (and *Lloyd* by contrast).
- Taking and keeping the notes is an assumption of the rights of an owner (*Morris*).
- Notes are money, so property (s4(1)); in the employer's possession and control (s5(1)).
- Intending to replace with different notes is still ITPD (*Velumyl*); distinguish *Lloyd*, where the same items came back.
- No s2(1) belief: no claim of right; the handbook rule rules out belief in consent; owner known.
- Willingness to repay does not prevent dishonesty (s2(2)); secret taking is dishonest by the standards of ordinary decent people.
- Developed conclusion: likely guilty, tied to ITPD and dishonesty.
- Credit a candidate who argues that a jury might view a short-term 'loan' sympathetically at the dishonesty stage, provided a reasoned conclusion follows.

(b) Kwame Explain how the source material will apply to Kwame. [10]

ARGUABLE BOTH WAYS

Kwame may be guilty of theft under s1(1) Theft Act 1968. The overpayment raises s5(4) (property got by another's mistake, as in *Attorney-General's Reference (No 1 of 1983)*) and s3(1) (a later assumption of the rights of an owner). The decisive issue is dishonesty: s2(1)(a) (belief in a legal right), *Robinson*, and otherwise *Ivey* and *Barton and Booth*. **AO1**

Property and belonging to another. The extra £640 was paid into his bank account, so what Kwame holds is a credit balance: a thing in action, which is property under s4(1). Normally the balance in his own account belongs to him. However, he got it by his employer's mistake and is under a legal obligation to repay an overpayment of wages. As in *Attorney-General's Reference (No 1 of 1983)*, s5(4) treats the money as belonging to the employer.

AO2

Appropriation and ITPD. Kwame came by the money innocently, but once he noticed the error and spent it on a laptop, he dealt with it as owner. That is a later assumption of the rights of an owner under s3(1). Spending money he has no plan to return is treating it as his own to dispose of regardless of the employer's rights, so he intends permanently to deprive (s6(1)).

AO2

Dishonesty: the case for Kwame. Under s2(1)(a), an appropriation is not dishonest if he believed he had in law the right to deprive the employer of the money. He had complained for months that he was owed about £600 in overtime, and the overpayment is close to that sum, which supports a genuine belief that he was entitled to keep it. In *Robinson* an honest belief in a legal right to money owed was enough to negate dishonesty. Section 2(1)(a) asks only what he believed, not whether the belief was reasonable or correct, so the fact that his overtime claim later turns out to be wrong does not matter if he truly held it.

AO2

Dishonesty: the case against. The prosecution will say that "Now we're square" shows a sense of moral fairness rather than a belief in a legal right, which s2(1)(a) does not cover. He told the employer nothing and spent the money quickly. If s2(1) does not apply, the jury applies *Ivey* and *Barton and Booth*: having found his actual belief, it asks whether ordinary decent people would regard knowingly keeping a payroll mistake, instead of raising the overtime dispute, as dishonest. Many would.

AO2

Conclusion. Every element apart from dishonesty is satisfied through s5(4) and s3(1). Kwame's guilt turns on what he believed. If the jury accepts that he honestly believed he was legally entitled to the money for unpaid overtime, s2(1)(a) and *Robinson* mean he is not guilty. On balance, his long-running complaint and the closeness of the sums make that belief credible, so an acquittal is the more likely outcome, but it is a finely balanced question of fact.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s1(1); s4(1) things in action; s5(4) with A-G's Ref (No 1 of 1983); s3(1) later assumption; s6(1); s2(1)(a) with *Robinson*; *Ivey/Barton and Booth*.
- Bank credit is a thing in action, so property (s4(1)).
- Overpayment by mistake with a legal obligation to repay: belongs to the employer under s5(4).
- Innocent receipt, then spending it once aware: later appropriation under s3(1).
- Spending the money shows ITPD (s6(1)).
- s2(1)(a): honest belief in a legal right negates dishonesty (*Robinson*); s2(1) asks what he believed, not whether it was reasonable or correct; the months of complaints and similar sums support it.
- Counter-argument: "now we're square" suggests moral rather than legal entitlement; secrecy; *Ivey* objective standard.
- Credit either conclusion if it is developed and follows logically from the analysis of his belief.

(c) Ellie Explain how the source material will apply to Ellie. [10]

KEY ELEMENT LIKELY MISSING

Ellie may be charged with theft under s1(1) Theft Act 1968. Appropriation (s3; *Morris*), property (s4) and belonging to another (s5) are straightforward. The decisive element is intention permanently to deprive under s6(1), explained by *Lloyd*. Dishonesty (s2(1)(b); *Ivey*; *Barton and Booth*) is also open to argument.

AO1

Appropriation, property, belonging to another. By picking up Josh's headphones and taking them home, Ellie assumes rights of an owner, such as possession and use, which is enough under *Morris*. Headphones are personal property (s4(1)), and they belong to Josh, who owns them (s5(1)). These elements are satisfied.

AO2

Intention permanently to deprive. Ellie intended to give the headphones back the next morning, and she did. Under s6(1) a borrowing counts only if it is for a period and in circumstances making it equivalent to an outright taking. In *Lloyd*, films taken for a few hours and returned unchanged were not taken with that intention because their "goodness, virtue and practical value" remained. Ellie's case is similar: the headphones were back with Josh within a day, undamaged and as useful as before. Unlike *Velumyl*, she returned the very item she took. The prosecution might argue that taking them home without asking treated them as her own, but nothing suggests she meant to keep, sell or use them up.

AO2

Dishonesty. This could go either way. Under s2(1)(b), if Ellie believed Josh would have consented had he known, she is not dishonest; she was his classmate and returned the headphones openly with an explanation, which supports that belief, although Josh's annoyance suggests he would not in fact have agreed. If s2(1) does not apply, under *Ivey* and *Barton and Booth* ordinary decent people might regard briefly borrowing a classmate's headphones without asking as thoughtless rather than dishonest.

AO2

Conclusion. Ellie is unlikely to be guilty of theft. Applying *Lloyd*, she lacked an intention permanently to deprive, so even if a jury found her dishonest, the offence fails on that element.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s1(1); s3(1) with *Morris*; s4(1); s5(1); s6(1) borrowing provision; *Lloyd* (and *Velumyl* by contrast); s2(1)(b); *Ivey/Barton and Booth*.
- Taking and using the headphones is appropriation (*Morris*); personal property; belongs to Josh.
- ITPD: intention to return next day, and actual return undamaged; s6(1) borrowing not equivalent to outright taking.
- Apply *Lloyd*: goodness, virtue and practical value not exhausted; distinguish *Velumyl*.
- Dishonesty arguable: s2(1)(b) belief in consent (classmate, open return) vs Josh's annoyance; *Ivey* objective standard.
- Developed conclusion: not guilty because ITPD is missing, whatever the view on dishonesty.
- Credit a candidate who considers whether the circumstances could make the borrowing equivalent to an outright taking, if a reasoned conclusion follows.

SCENARIO 2 • ROBBERY

(a) Liam Explain how the source material will apply to Liam. [10]

CLEARLY LIABLE

Liam may be guilty of robbery under s8(1) Theft Act 1968: he must steal, and immediately before or at the time of doing so, and in order to do so, use force on any person or put or seek to put any person in fear of force. A completed theft under s1(1) is required. *Dawson and James* and *Clouden* explain force; *Corcoran v Anderton* explains when the appropriation takes place.

AO1

Theft. By seizing Grace's bag, Liam assumes the rights of an owner; as in *Corcoran v Anderton*, the appropriation is complete as soon as he grabs it. The bag, purse and phone are property belonging to Grace. He runs off with them, which shows an intention permanently to deprive. There is nothing to suggest any belief under s2(1), and under *Ivey* and *Barton and Booth* ordinary decent people would regard snatching a stranger's bag as dishonest. So he steals.

AO2

Force. Liam applies force to the bag, but it is transmitted to Grace: her arm is pulled back and she is spun round. In *Clouden*, wrenching a bag from the victim's grasp was force on the person. Liam's yank is stronger than the nudge in *Dawson and James*, which was itself capable of being force. Force is a question for the jury, but on these facts it is very likely to be found.

AO2

Timing and purpose. The force is used at the very moment of the taking, so it is "at the time of" stealing. Its only purpose is to get the bag off Grace, so it is used "in order to" steal.

AO2

Conclusion. Every element of s8(1) is satisfied. Liam is likely to be guilty of robbery, which carries a maximum of life imprisonment (s8(2)). *Clouden* is the decisive authority on force.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s8(1) elements; theft (s1(1)) as a precondition; force (*Dawson and James*; *Clouden*); appropriation on seizing (*Corcoran v Anderton*); s8(2) maximum life.
- Theft: grabbing the bag is appropriation; property belonging to Grace; ITPD shown by running off; dishonest (*Ivey/Barton and Booth*).
- Force on the bag transmitted to Grace, as in *Clouden*; more than the nudge in *Dawson and James*.
- Force at the time of stealing and in order to steal.
- Developed conclusion: likely guilty of robbery.

(b) Sadia Explain how the source material will apply to Sadia. [10]

ARGUABLE BOTH WAYS

Sadia may be guilty of robbery under s8(1) Theft Act 1968. Theft and force are relatively clear; the issue is timing, because force must be used "immediately before or at the time of" stealing and "in order to" steal. *Hale* and *Lockley* treat appropriation as a continuing act; *Dawson and James* explains force.

AO1

Theft. Putting the perfume inside her coat and leaving without paying is an assumption of the rights of an owner, so it is an appropriation (s3(1)). The perfume is property belonging to the store. Running off with it shows an intention permanently to deprive. No s2(1) belief arises, and under *Ivey* and *Barton and Booth* ordinary decent people would regard concealing goods and leaving without paying as dishonest. So she steals.

AO2

Force. A hard push to the chest that makes Mr Lewis stumble is clearly force; even the nudge in *Dawson and James* could be enough. Section 8(1) covers force on "any person", so it does not matter that he is a store detective rather than the owner.

AO2

Timing: the case against robbery. Sadia can argue the theft was complete when she left the store with the perfume, so the push, on the street, came after the stealing. On that view she has committed theft followed by a separate use of force, but not robbery.

AO2

Timing: the case for robbery. Under *Hale*, appropriation is a continuing act, and the jury decides whether the theft was still going on. In *Lockley*, force on a shopkeeper who tried to stop shoplifters leaving was used at the time of stealing. Sadia was less than a minute and only 40 metres from the store, was being followed, and still had the perfume. A jury could well find she was still in the course of stealing.

AO2

In order to steal. She may say she pushed Mr Lewis only to avoid being caught. But the push let her get away with the perfume, which is using force to complete the theft, as in *Lockley*.

AO2

Conclusion. Sadia is likely to be guilty of robbery, because on *Hale* and *Lockley* a jury is likely to find the theft was still continuing when she used force. If the jury decides the theft was over when she left the store, she is guilty of theft only.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s8(1) elements; theft (s1(1)); force (*Dawson and James*); continuing appropriation (*Hale*; *Lockley*); “any person”.
- Theft established: concealment and leaving without paying; property of the store; ITPD; dishonesty (*Ivey/Barton and Booth*).
- Push is force; it can be on a store detective as “any person”.
- Timing argued both ways: theft complete on leaving vs continuing appropriation, applying *Hale* and comparing *Lockley* (short time and distance, pursuit, goods still held).
- “In order to” steal: escape with the goods vs escape from arrest.
- Developed conclusion: either verdict creditworthy if it follows from the timing analysis; a jury question.

(c) Daniel Explain how the source material will apply to Daniel. [10]

KEY ELEMENT LIKELY MISSING

Daniel may be charged with robbery under s8(1) Theft Act 1968, which requires force used immediately before or at the time of stealing and “in order to” steal. *Vinall* is the key authority on when the intention to steal must exist; *Dawson and James* explains force. Theft under s1(1) must also be shown.

AO1

Force. Shoving Oskar off his scooter so that he falls is clearly force on a person (*Dawson and James*).

AO2

Theft. When Daniel rides the scooter home and later sells it, he assumes the rights of an owner (s3(1)). The scooter is property that still belongs to Oskar, who left it behind only because he ran off. Selling it is treating it as his own to dispose of regardless of Oskar's rights, so there is an intention permanently to deprive (s6(1)). There is no s2(1) belief, and ordinary decent people would regard taking and selling it as dishonest (*Ivey; Barton and Booth*). So Daniel probably commits theft.

AO2

Timing and purpose. The force was used before any taking, out of anger about the online post. Daniel says he thought of the scooter only after Oskar had gone, and the facts support him: the argument was about an insult, and he took the scooter several minutes later. This is very like *Vinall*, where robbery convictions were quashed because the intention to deprive may have been formed only after the force. Here the force was not used “in order to” steal, and the theft did not happen “immediately” after it. *Hale* does not help the prosecution, because there was no appropriation in progress when he pushed Oskar.

AO2

The prosecution view. The jury might disbelieve Daniel and find he pushed Oskar so as to get the scooter. But with an angry argument and a gap of several minutes, that is difficult to prove.

AO2

Conclusion. Daniel is unlikely to be guilty of robbery: the force was not used in order to steal, so a key element of s8(1) is missing (*Vinall*). He is, however, likely to be guilty of theft of the scooter.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s8(1), especially “in order to” and timing; *Vinall*; *Hale*; force (*Dawson and James*); theft s1(1), s3(1), s6(1).
- Shove is force on a person.
- Theft of the scooter likely: later appropriation, belongs to Oskar, ITPD shown by sale, dishonest.
- Force motivated by anger, not used in order to steal; intention formed minutes later; apply *Vinall*.
- No continuing appropriation at the time of force, so *Hale* does not assist.
- Developed conclusion: not guilty of robbery; likely guilty of theft.
- Credit an argument that the jury could disbelieve his account, if weighed against the facts.

SCENARIO 3 • FRAUD

(a) Marcus Explain how the source material will apply to Marcus. [10]

CLEARLY LIABLE

Marcus may be guilty of fraud by false representation under ss1 and 2 Fraud Act 2006: dishonestly making a false representation, intending to make a gain or cause loss. Under s2(2) the representation is false if it is untrue or misleading and he knows it is or might be. Representations may be implied and may be made to a machine. *Lambie* shows that using a card implies authority to use it; dishonesty follows *Ivey* and *Barton and Booth*.

AO1

Representation. Marcus says nothing, but by tapping the card in the shop he impliedly represents that he is authorised to use it, just as presenting the card did in *Lambie*. Typing the card details into the website makes the same implied representation to a system, which s2 expressly covers. These are two separate representations.

AO2

False, and known to be false. Both representations are untrue: Tom never gave him permission. Marcus knows this, because he took the card from the table without asking while Tom was at work, so s2(2) is satisfied.

AO2

Intention. He intends to gain property for himself (the trainers and the game) and to cause Tom a loss of £155, both within s5.

AO2

Dishonesty. Nothing suggests he believed Tom would agree. Applying *Ivey* and *Barton and Booth*, secretly using a flatmate's card to buy things for yourself would be regarded as dishonest by ordinary decent people. Because fraud is a conduct offence, it does not matter whether the shop or website was actually deceived, or whether the bank later refunds Tom.

AO2

Conclusion. Marcus is likely to be guilty of two offences of fraud by false representation, one for each payment. *Lambie* establishes the implied representation that is the heart of each offence.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s1 and s2(1); s2(2) meaning of false; implied representations and machines (s2(3)–(5)); s5 gain/loss; *Lambie*; *Ivey/Barton and Booth*; conduct offence; maximum 10 years.
- Contactless and online use each impliedly represent authority to use the card (*Lambie*); a website is a system.
- Untrue (no permission) and known to be untrue.
- Intention to gain goods and cause Tom loss (s5).
- Dishonest by the standards of ordinary decent people; no belief in consent.
- Conduct offence: no need for deception or loss to result; bank refund irrelevant.
- Developed conclusion: likely guilty (two counts).

(b) Gethin Explain how the source material will apply to Gethin. [10]

ARGUABLE BOTH WAYS

Gethin may be guilty of obtaining services dishonestly under s11 Fraud Act 2006. He must obtain services by a dishonest act, where they are made available on the basis that payment will be made; obtain them without paying; know that they are, or might be, made available on that basis; and intend not to pay. Dishonesty follows *Ivey* and *Barton and Booth*.

AO1

Services, act and non-payment. Climbing sessions are services made available on the basis of an £18 payment. Gethin obtains them: he climbs for two hours on four occasions, and pays nothing. Walking through the barrier is a positive act, so this is not a mere omission.

AO2

Knowledge and intention. Gethin knows other customers pay, so at the very least he knows the sessions might be available only on payment. The words “or might be” in s11 make this element easy to satisfy. He never means to pay, so he intends that payment will not be made.

AO2

Dishonesty: the case for Gethin. The decisive question is whether his act was dishonest. Under *Ivey*, the jury first establishes his actual belief: that staff are allowed to let friends in free. That is not an unusual belief, since many businesses give staff perks. If he genuinely believed it, ordinary decent people may not regard accepting what he thought was a permitted free pass as dishonest.

AO2

Dishonesty: the case against. Rhian's words “I'll sort it” suggest there was something to sort, in other words a payment that was due. Gethin never asked whether he was allowed in free, and he came back three more times. The jury may doubt that he really held the belief he claims and, if so, ordinary decent people would regard repeatedly getting in free by these means as dishonest.

AO2

Conclusion. This is finely balanced. On the first visit Gethin may well have been honest, but by the later visits a jury is more likely to find that he realised the arrangement was not genuine, so he is likely to be guilty under s11 at least for those. If the jury accepts that his belief was genuine throughout, he is not guilty.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s11 elements (services on a payment basis; obtaining by a dishonest act; without payment; knowledge that payment is or might be required; intention not to pay); *Ivey/Barton and Booth*; maximum 5 years.
- Climbing sessions are paid services; obtained four times without payment; passing the barrier is an act.
- Knowledge satisfied at least by “might be”; intention not to pay.
- Dishonesty argued both ways: genuine belief in a staff perk vs “I’ll sort it”, no enquiry, repeated visits.
- Credit separate treatment of the first and later visits.
- Developed conclusion: either verdict creditworthy if it follows from the dishonesty analysis.
- Credit, as an alternative, discussion of s2 if the candidate identifies an implied representation and reaches a reasoned view.

(c) Amara Explain how the source material will apply to Amara. [10]

KEY ELEMENT LIKELY MISSING

Amara may be charged with fraud by false representation under ss1 and 2 Fraud Act 2006. The decisive element is s2(2): a representation is false only if it is untrue or misleading **and** the maker knows it is, or might be, untrue or misleading. Dishonesty (*Ivey; Barton and Booth*) is also relevant, and *Rai* helps by contrast.

AO1

Representation and intention. The advert makes an express representation of fact: that the car has genuinely covered 41,000 miles and has a full service history. It is made to potential buyers to sell the car for £6,500, so she intends to make a gain in money (s5).

AO2

Is it false? The statement is untrue, because the mileage was wound back. But s2(2) also requires knowledge. Amara copied the dealer’s description, the stamped service book matched the mileage display, and she had owned the car for two years without any reason for doubt. The test is what she knew, not what a careful seller should have checked. Nothing suggests that she knew, or even realised, that the mileage might be wrong.

AO2

The prosecution view. The prosecution may argue that the word “genuine” claims more than she could be sure of, and that anyone selling a used car knows mileage figures might be inaccurate. That would satisfy “might be untrue” only if Amara herself realised the risk; there is no evidence that she did. *Rai* is a useful contrast: had she discovered the truth before the sale and kept quiet, her continuing representation would have become false. There is no such fact here.

AO2

Dishonesty. Her actual belief was that the description was accurate. Ordinary decent people would not regard repeating a description you honestly believe to be true as dishonest (*Ivey; Barton and Booth*).

AO2

Conclusion. Amara is unlikely to be guilty of fraud. Her statement was untrue, but it was not “false” within s2(2) because she did not know it was or might be untrue, and she was not dishonest.

AO2

INDICATIVE CONTENT • CREDITWORTHY POINTS

- **AO1:** s1 and s2(1); s2(2) two-part meaning of false; express representation of fact; s5 gain; *Ivey/Barton and Booth*; *Rai* by contrast.
- Express representation in the advert, made with intent to gain £6,500.
- Untrue, but no knowledge that it is or might be untrue: dealer paperwork, matching service book, no reason to doubt.
- Knowledge is subjective: not what a careful seller should have checked.
- Contrast *Rai*: no later discovery and silence.
- Not dishonest by the standards of ordinary decent people.
- Developed conclusion: not guilty; the s2(2) knowledge element is missing.
- Credit an argument that a seller who realised the risk would satisfy “might be untrue”, if weighed against the facts.

EXAM VISTA

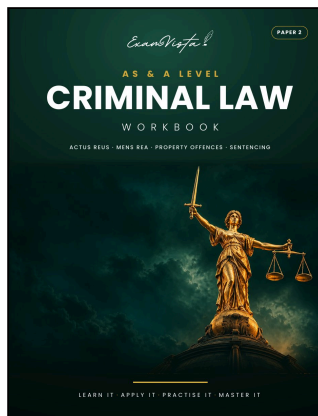
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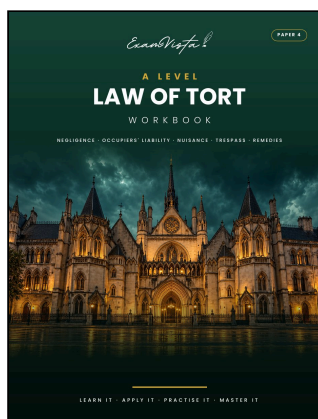
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