

Offences against Property

Theft

Location: **s1 Theft Act 1968**

Definition: dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it

AR:

Appropriate (assume the rights of the owner)

Property (an item, money etc)

MR:

Dishonestly (**Ghosh**: mag/jury to decide if they believe D acted dishonestly)

Act does not define honesty but does give three examples that are not dishonest

- Believed had legal right to it
- Believed owner would consent
- Took reasonable steps to find owner

Intention to permanently deprive (IPD)

Must show D did not intend to return it or has used the full value of a ticket etc



R v Morris

Switching price tickets = appropriation



Oxford v Moss

Information not property



R v Lloyd

Copying item then returning – no IPD

Robbery

Location: **s8 Theft Act 1968**

Definition: To steal and immediately before or at the time using force or putting a person in fear of being subjected to force

AR:

Steal

If theft (left) is not completed = no robbery

Use force

Even a small force will count

Before or at time

Must be just before, or at the time. If theft + violence separate = no robbery, would just be a theft and a separate OAP.

MR: Intention for theft and intention to use force



R v Dawson

Nudge = force



R v Hale

1 burglar upstairs, 1 tying up = burglary

Burglary

Location: **s9 Theft Act 1968**

Definition: Enter a building or part, as a trespasser, with intent to commit theft GBH or unlawful damage, or **developing the MR once inside**

S10: aggravated burglary

AR:

Enter building

Must be a substantial entry into a building or part of a building

As a trespasser

Must have no permission

MR:

S9(1)(a)

Before entering you intended theft, GBH or unlawful damage

S9(1)(b)

Once inside you developed the MR to steal or cause GBH



B&S v Leathley

Outdoor freezer = building



R v Walkington

Went behind counter = trespasser in part. Intent to steal = burglary.



R v Brooks and Brooks

Taxi ride, refused to pay, ran away. Guilty. (Making off)

Making off without Payment

Location: **s3 Theft Act 1978**

Definition: Knowing that payment on the spot is required for goods or services, dishonestly makes off without paying and intent to avoid payment.

AR:

Makes off

Actually must leave

Without Payment

Can't have paid at all

MR:

Knows payment was required

Can be implied i.e. shop

Dishonest – As Theft

Intends to avoid payment

– runs out/lies etc

Taking Vehicle Without Consent (TWOC)

TWOC does not have intention to permanently deprive as they are joyriding and intend to dump the vehicle. Not theft. It is TWOC.

Writing Guide for APPLICATION Questions

Theft contrary to s1 Theft Act 1968 (look for stealing)

Dishonest

1. Not dishonest if a) thought had legal right to property, believed would have had consent, took reasonable steps to find owner. (ONLY MENTION IF PRESENT)
2. If none apply, **Ghosh Test** applied: would jury believe D realised D acting dishonesty according to an ordinary person?

Appropriate

Did they act if they were the owner? How? (taking, eating, breaking etc) **Morris** switched price labels.

Property

How was it property? (Information not property – **Oxford v Moss**) (electricity, wild animals, land, corpses not property)

Intention to Permanently Deprive

How do you know they weren't going to return? **MUST** show they were not going to OR show that they used the value of item e.g. ticket.

If they have all aspects can be found guilty and fined or imprisoned.

Robbery contrary to s8 Theft Act 1968 (stealing + force)

Completed Theft

There must be a completed theft i.e. the flowchart to the left must be satisfied.

Use force or fear of force to steal

How have they used force or caused a fear of force? In **Dawson** a nudge was enough.

Timing

- When was the force used? To be robbery it must be used either **JUST BEFORE** or **DURING** the theft.
- If the Theft and Violence are separate then it is just a **THEFT** and a separate Non-Fatal Offence.
- Was there a continuing act i.e. theft continuing during force then its robbery – **Hale** – one robber upstairs stealing whilst other tied V up.

If they have all aspects can be found guilty and fined or imprisoned.

If taking vehicle without consent (TWOC) – no intent to perm. deprive as joyriding. Separate offence of TWOC

Burglary contrary to s9 Theft Act 1968 (look for buildings)

Enter

D must have substantially entered i.e. been in enough to steal

Building

Did they go into a building (**B&S** said outdoor freezer was building)

Part of Building

Did they go into an area not permitted (**Walkington** went behind counter)

As a Trespasser

Why were they a trespasser? Did they have permission?

Have they entered with intent to commit theft, GBH, damage? How do you **KNOW** they were going in to do this?

If yes, guilty of s9(1)(a) Burglary

Have they entered and **THEN** once inside decided to steal or commit GBH? How do you know? Must show at least an **ATTEMPT** to steal/GBH.

If yes, guilty of s9(1)(b) Burglary

AGGRAVATED BURGLARY – S10 THEFT ACT – IF TAKE A WEAPON

Making off Without Payment contrary to s3 Theft Act 1978

- D has to make off (leave)
- Without Paying
- Know that payment was required
- Intend to avoid payment
- Be dishonest
- **Brook and Brooks**; D refused to pay for taxi ride, driver took them to police station, ran away; guilty.