

## Theft

Definition	s.1 Theft Act 1967 – The dishonest appropriation of property belonging to another with the intention to permanently deprive.				
Actus Reus  •	s.3 Appropriation	S.3(1) Assumption of the rights of the owner or a later assumption of the rights of the owner. This includes taking, consuming, using, selling, offering for sale, lending or hiring of the property		R v Vinall (2011) R v Pitman v Hehl (1977) R v Morris (1983)	
		Consent to appropriation	Appropriation can take place regardless of whether or not the V has consented	Lawrence v Commissioner for Metropolitan Police (1972) R v Gomez (1993)	
		Consent without deception	Even a valid gift can be an appropriation	R v Hinks (2000)	
		When does appropriation take place?	Appropriation needs to take place at a specific point in order for there to be coincidence of actus reus and mens rea	R v Atakpu v Abrahams (1994)	
		Later assumption of the rights of the owner	Where D gain's the property innocently and the decides to keep it. E.g. not returning a hired bike, the decision not to return a wallet whose owner could be found easily		
	s.4 Property	Money			
		Real Property	Refers to land and buildings – s.4(2) says that real property can only be stolen in 3 ways <ul style="list-style-type: none"> <li>▪ A trustee or personal representative takes land in breach of his duties as a trustee or personal representative.</li> <li>▪ Someone not in the possession of the land severs anything forming part of the land from the land.</li> </ul> A tenant takes a fixture or structure from the land let to him		
		Personal Property	E.g. Jewellery, clothes, books, phones – body parts have been held to be property when they have been prepared/preserved for exhibition or educational purposes	R v Kelly and Lindsay (1998)	
		Thing in action	E.g. a cheque, ticket for an event or membership card		
		Other intangible property	Refers to things that have no physical presence – an export quota for textiles has been held to be property. Knowledge (e.g. of questions on an exam paper is not)	Oxford v Moss (1979)	
		Things which cannot be stolen	Things growing wild (unless used for commercial purposes) Electricity is a separate offence under s.11 Theft Act		
	s.5 Belonging to another	Possession or control	Possession/ control does not mean the property has to be taken from the owner. Possession does not even have to be lawful. Someone could be charged with theft of their own property. V does not even need to know they have the property.	R v Turner (No. 2) (1971) R v Woodman (1974) R (on the application of Ricketts) v Basildon Magistrates' Court (2010)	
		Proprietary Interest	Where D owns property and has control of it they can still be found guilty of stealing it from someone else who has a proprietary interest in it.	R v Webster (2006)	
		Property received under an obligation	E.g. where D is given property and expected to deal with it in a certain way. There can be a theft – e.g. using money given to you by your flatmates to pay bills to buy Christmas presents instead.	R v Hall (1972) R v Klineberg and Marsden (1999) Davidge v Bunnett (1984)	
		Property received by mistake	This is when property is handed to D by mistake. This can still be property belong to another for the purpose of the Theft Act	A-G Ref (No 1 of 1983) (1985) R V Gilks (1972)	
Mens Rea – Theft if a specific intent crime  •	s.2 Dishonesty	Behaviour which is not dishonest	<ul style="list-style-type: none"> <li>• A genuine belief in a lawful right to deprive the other of the property</li> <li>• He or she would have the other's consent if they knew of the appropriation</li> <li>• The person to whom the property belongs cannot be discovered by taking reasonable steps</li> </ul>		
		What is an unreasonable belief	The fact that a belief is unreasonable does not prevent D from relying on this section	R v Small (1987) R v Holden (1991) R v Robinson (1977)	
		Willing to pay	Can still be dishonest even if the D is willing to pay more than the item is worth.		
		Ghosh Test	Two part test to establish dishonesty <ol style="list-style-type: none"> <li>1) Was what was done dishonest according to the ordinary standards of reasonable people (Objective)</li> <li>2) Did D realise what s/he was doing was dishonest by those standards. (Subjective)</li> </ol> However, Ivey v Genting Casino's Ltd may mean the second part of Ivey is no longer in use. This is civil case so the decision is obiter but it is likely to be followed in future criminal cases.	R v Ghosh (1982) Ivey v Genting Casino's Ltd t/a Crockfords (2017) DPP v Gohill (2007)	
	s.6 Intention to permanently deprive	D willing to pay back	E.g. D takes money to pay a bill and pays the cash back with different notes he is still guilty of theft as the exact notes cannot be returned	R v Velumyl (1989)	
		Borrowing and Lending	Borrowing becomes theft when D has the property so long that all the practical value has been taken out. I.e. keeping a text book borrowed from another student until they have sat the exam and returning it when it is no longer needed	R v Lloyd (1985)	
		Conditional Intent	Issues arise where D examines the property and then decides it is not worth stealing –	R v Easom (1971)	
	Disposal of Property	This is seen as an intention to permanently deprive			

## Robbery

Elements of the Offence		Completed Theft Force used in order to steal	
Actus Reus	Completed theft	All elements of a theft must be present	R v Zerei (2012) R v Waters (2015) Corcoran v Anderton (1980)
	Force or threat of force	Force can be small	R v Dawson and James (1976) R v Clouden (1987) P v DPP (2012)
		V does not need to fear harm	B and R v DPP (2007)
		On any person – the force does not need to be directed at the owner of the property – e.g. a bank clerk does not own the money the D is stealing but there is still a robbery if force is present	
	Force immediately before or at the time of the theft	Force must be present immediately before or at the time of theft. Force used to escape is still forced used in order to steal	R v Hale (1979) R v Lockely (1995)
	Force in order to steal	If the force is used for any other purpose then there are two separate offences of a theft and an offence against the person	
Mens Rea		Must have the mens rea for theft and must have the intention to use force in order to steal.	