

## 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