

## Chapter 9 Summary: Property offences

Chapter 9 explores offences against property rights, with particular focus on the Theft Act 1968 (TA).

### Theft (Chapter 9.2)

Theft is defined in section 1 TA. The elements of this offence are:

- Appropriation: Any assumption of ownership rights (TA, s3);
- Of property: Something capable of being stolen (TA, s4);
- Belonging to another: The assumption of rights must be at the expense of another (TA, s5);
- With an intention to permanently deprive: D must have this intention when appropriating (TA, s6);
- Dishonesty: D's conduct must be dishonest by the standards of ordinary decent people, taking account of D's beliefs and the circumstances (TA, s2) (key case: *Ivey*).

### Robber (Chapter 9.3)

Robbery is defined in section 8(1) TA, it applies where D commits theft using force or the threat of force.

### Burglary (Chapter 9.4)

Burglary offences are defined in section 9(1)(a) and 9(1)(b) TA. It is important to separate the two types of offence:

- Section 9(1)(a): Burglary where D trespasses with the *intention* to commit theft, cause GBH, or commit criminal damage (key case: *Jones and Smith*);
- Section 9(1)(b): Burglary where D trespasses and *does* commit theft, attempted theft, GBH, or attempted GBH.

### Related property offences (Chapter 9.5-9.7)

Related property offences include handling stolen goods, blackmail, and criminal damage. In the case of the latter, this includes potential aggravation, such as the use of fire, which results in a charge of Arson.

### Reform (Chapter 9.8)

This section discusses potential reform of the property offences, with particular focus on the definition of theft.

### Eye on assessment (Chapter 9.9)

The final section discusses how the property offences should be applied in the context of a problem question.