

Chapter 9 Summary: Theft and Other 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 any right of an owner (TA, s3);
- Of property: something capable of being stolen (TA, s4);
- Belonging to another: There must be someone other than D who has a proprietary right or interest (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*).

Robbery (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.