

COURSE NOTES **CRIMINAL LAW**

Model Answers to Potential Exam Questions

Chapter 11

Apply the definition of theft under s.1(1) of the Theft Act 1968 to the following scenario:

Alex took his brother's (Ali's) new Lexus out for a drive when Ali was at work. Ali's new laptop was also in the back of the car. Alex drove the Lexus across the countryside on rough terrain. He eventually crashed the Lexus into a tree, and ran off with the laptop.

Alex played with the laptop for a while before realising that it was running on a new and expensive program that his friends wanted to buy. Alex removed the hard drive, knowing that his father could find a cheap replacement, and returned the laptop to Ali that evening along with the bad news that his new Lexus was wrapped round a tree 25 miles away. Ali called the police immediately.

Has Alex committed theft?

The Theft Act 1968 created a new and simple code for the law of theft and other property offences. The 1968 Act was the result of the Eighth Report of the Criminal Law Revision Committee, *Theft and Related Offences*, Cmd 2977 (1966).

Theft is defined by s.1(1) of the Theft Act 1968 as:

"a person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it."

The definition of theft seems quite short and straightforward, but it has many different elements which have their own definitions within the Theft Act 1968.

These definitions have in turn accumulated their own case law. For example: "appropriation" is defined under s.3; "property" is defined under s.4; "dishonestly" is defined under s.2; "intention to permanently deprive" is defined under s.6, and "belonging to another" is defined under s.5. These will be explored in turn.

A vital component of the *actus reus* is the appropriation of property. Appropriation is the physical act of taking something, whether it be a wallet on a bus or a bank balance on a screen. Appropriation is defined under s.3(1) of the 1968 Act as:

"any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner."

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Robert R. Redfield



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