

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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1. Understanding the eBook Course Notes Criminal Law Routledge
 - The Rise of Digital Reading Course Notes Criminal Law Routledge
 - Advantages of eBooks Over Traditional Books
2. Identifying Course Notes Criminal Law Routledge
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Course Notes Criminal Law Routledge
 - User-Friendly Interface
4. Exploring eBook Recommendations from Course Notes Criminal Law Routledge
 - Personalized Recommendations
 - Course Notes Criminal Law Routledge User Reviews and Ratings
 - Course Notes Criminal Law Routledge and Bestseller Lists
5. Accessing Course Notes Criminal Law Routledge Free and Paid eBooks
 - Course Notes Criminal Law Routledge Public Domain eBooks
 - Course Notes Criminal Law Routledge eBook Subscription Services
 - Course Notes Criminal Law Routledge Budget-Friendly Options
6. Navigating Course Notes Criminal Law Routledge eBook Formats
 - ePub, PDF, MOBI, and More
 - Course Notes Criminal Law Routledge Compatibility with Devices
 - Course Notes Criminal Law Routledge Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Course Notes Criminal Law Routledge
 - Highlighting and Note-Taking Course Notes Criminal Law Routledge
 - Interactive Elements Course Notes Criminal Law Routledge

8. Staying Engaged with Course Notes Criminal Law Routledge
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Course Notes Criminal Law Routledge
9. Balancing eBooks and Physical Books Course Notes Criminal Law Routledge
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Course Notes Criminal Law Routledge
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Course Notes Criminal Law Routledge
 - Setting Reading Goals Course Notes Criminal Law Routledge
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Course Notes Criminal Law Routledge
 - Fact-Checking eBook Content of Course Notes Criminal Law Routledge
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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