

Northshire Constabulary

Intake : A - 2006

Exam date : 03/08/2006

RESTRICTED

Question 1

BELL is having a barbecue in his garden when he runs out of charcoal. Knowing his neighbour TRIPP very well, BELL climbs into TRIPP's garden and takes some charcoal from his shed, believing TRIPP would consent and puts it on his barbecue. Later that day TRIPP finds out what BELL has done and tells BELL that he is angry and that contrary to BELL's beliefs he would not have given permission for BELL to take and use his charcoal.

For the purposes of the s2 of the Theft Act 1968, at what point, if any, are the actions of BELL dishonest?

- (a) When he realises that TRIPP would not have given permission.
- (b) When he uses the charcoal.
- (c) BELL's actions are not dishonest in these circumstances.
- (d) When he takes the charcoal.

Question 2

What is the correct definition of theft?

- (a) A person is guilty of theft if they dishonestly appropriate any property, with the intention of permanently depriving the other of it.
- (b) A person is guilty of theft if they dishonestly appropriate property belonging to another, with the intention of permanently depriving the other of it.
- (c) A person is guilty of theft if they appropriate property belonging to another, with the intention of permanently depriving the other of it.
- (d) A person is guilty of theft if they dishonestly appropriate property belonging to another, with the intention of using it without the consent of the other.

Question 3

GRIEG has had his mobile phone stolen from his locker and tells his friend RICE to be on the lookout. Later that day RICE sees TODD using what looks like GRIEG's mobile phone and so when TODD is not looking RICE takes it and puts it in his pocket. RICE then takes the phone to GRIEG but GRIEG says that it is not his phone. It later transpires that RICE has actually taken TODD's own mobile phone.

Has RICE committed theft in these circumstances?

- (a) Yes, as RICE has taken the mobile phone without TODD's consent
- (b) No, as RICE honestly believed the mobile phone belonged to GRIEG.
- (c) Yes, as it is up to GRIEG to either report the theft or retrieve his own property.
- (d) No, as RICE did not gain from taking the mobile phone.

Question 4

WILSON is walking down Main Street when she finds a £5 note on the pavement. She picks up the £5 note and puts it in her pocket.

What does s2 of the Theft Act 1968 state that WILSON should do with the £5 note in order to ensure that she is not acting dishonestly?

- (a) Take reasonable steps to find the owner.
- (b) Hand the note in to a Police station.
- (c) Retain the note for at least 12 months.
- (d) Retain the note for a reasonable time.

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Question 5

SINGH has been involved in a road traffic collision causing a broken wing mirror to the car. BENSON is a friend of SINGH's and offers to replace the wing mirror with one that BENSON has at home. BENSON replaces the wing mirror and, despite SINGH offering to pay for the mirror, refuses to accept payment. The following week BENSON tells SINGH that the wing mirror is in fact stolen from another car. SINGH decides to keep the wing mirror as nobody has noticed.

At what point if any does SINGH first dishonestly appropriate the wing mirror and therefore commit theft?

- (a) When he knows the wing mirror is stolen and decides to keep it.
- (b) When BENSON refuses to accept payment.
- (c) When the wing mirror is fitted to the car.
- (d) SINGH does not commit theft in these circumstances

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Candidate :

Circle the correct answer letter for each question. If you wish to change an answer then rub it out and circle your new answer

Question 1 A B C D

Question 2 A B C D

Question 3 A B C D

Question 4 A B C D

Question 5 A B C D

Marking Template

This is to be duplicated onto acetate

Candidate :

Circle the correct answer letter for each question. If you wish to change an answer then rub it out and circle your new answer

Question 1 A B D

Question 2 A C D

Question 3 A C D

Question 4 B C D

Question 5 B C D

Cut out from acetate

Answers and Explanations

For Trainer Information

Question 1 Answer = C QID = 301003 Theft

BELL's actions are not dishonest as s2(1)(b) of the Theft Act 1968 applies. BELL believes that TRIPP would consent to him taking the charcoal. Even when BELL realises that TRIPP would not have consented and is angry the act of taking the charcoal was not dishonest.

Question 2 Answer = B QID = 301000 Theft

Only one of the options correctly quotes the definition of theft.

Question 3 Answer = B QID = 301002 Theft

In these circumstances s2(1)(a) of the Theft Act 1968 applies as RICE believed he had the right in law to deprive TODD of it, on behalf of a third party (GRIEG). It is not necessary for RICE to gain from the theft, neither is it necessary for GRIEG to be aware of RICE's actions.

Question 4 Answer = A QID = 301001 Theft

s(2)(1)(c) of the Theft Act 1968 states that if the person appropriating the property believes that the owner of the property cannot be discovered by taking reasonable steps then they have not acted dishonestly. There is no specified length of time under the Act that the person appropriating the property must retain it, and no requirement for them to hand it in to a Police station.

Question 5 Answer = A QID = 301004 Theft

At first SINGH does not dishonestly appropriate the wing mirror as he does not know it is stolen, irrespective of whether he has paid for it or not. Once SINGH knows the mirror is stolen but then decides to keep and use it the offence of theft is complete.