

Northshire Constabulary

Intake : B - 2006

Exam date : 17/08/2006

## RESTRICTED

### Question 1

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

### Question 2

What is the correct definition of theft?

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

### Question 3

RICE is told by GRIEG that TODD has been in GRIEG's locker without his permission and taken GRIEG's mobile phone. Later that day RICE sees TODD using what looks like GRIEG's a mobile phone and so when TODD is not looking RICE takes it and puts it in his pocket. RICE gives the phone to GRIEG but GRIEG tells him that it is not his phone. RICE has in fact taken TODD's own mobile phone.

Has RICE committed theft in these circumstances?

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

### Question 4

When a person dishonestly uses electricity without due authority, or dishonestly causes it to be diverted or wasted what offence have they committed?

- (a) Theft of electricity.
- (b) Abstracting electricity.
- (c) Taking electricity.
- (d) Diverting electricity.

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### Question 5

PULLEN has bought a new house. Whilst storing some boxes in the loft PULLEN finds some valuable silverware left behind by the previous owner. PULLEN believes, wrongly, that in law he has a right to keep the silverware as the purchase of the house included everything in it. He displays the items proudly in his new dining room.

Has PULLEN committed the offence of theft?

- (a) Yes, as PULLEN has made no attempt to contact the previous occupier.
- (b) No, as PULLEN genuinely believes he has a right in law to retain the silverware.
- (c) Yes, as PULLEN has used the silverware as his own property.
- (d) No, the silverware can be treated as lost as the previous owner no longer lives in the house.

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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     B C D

Question 3    A B  D

Question 4    A  C D

Question 5    A  C D

**Cut out from acetate**

## Answers and Explanations

## For Trainer Information

Question 1 Answer = C 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.

Question 2 Answer = A QID = 301000 Theft

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

Question 3 Answer = C 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 = B QID = 301008 Theft

As electricity is not tangible (i.e. you cannot take hold of it) then it is not "property" and so cannot be the subject of theft contrary to s1 of the Theft Act 1968. s13 of the Act therefore creates the offence of "abstracting electricity" to meet these circumstances.

Question 5 Answer = B QID = 301006 Theft

PULLEN does not commit the offence of theft as he believes that he has a right in law to retain the property. If the case were to be heard in court the case of R v Ghosh (1982) provided guidance for a jury when deciding guilt. This said that where a person is charged with dishonesty the jury must decide as to his guilt in the following manner:

(1) According to the ordinary standards of reasonable and honest people, what was done was dishonest. If it was not, then they must acquit.

(2) However, if it was dishonest by those standards, then the jury must decide whether the person realised that what he was doing was by those standards was dishonest.

Feedback for candidates

Question 1  
s3(1) of the Theft Act 1968

Question 2  
The definition of theft was tested and is given in s1 of the Theft Act 1968

Question 3  
s2(1) of the Theft Act 1968

Question 4  
s13 of the Theft Act 1968

Question 5  
s2(1) of the Theft Act 1968