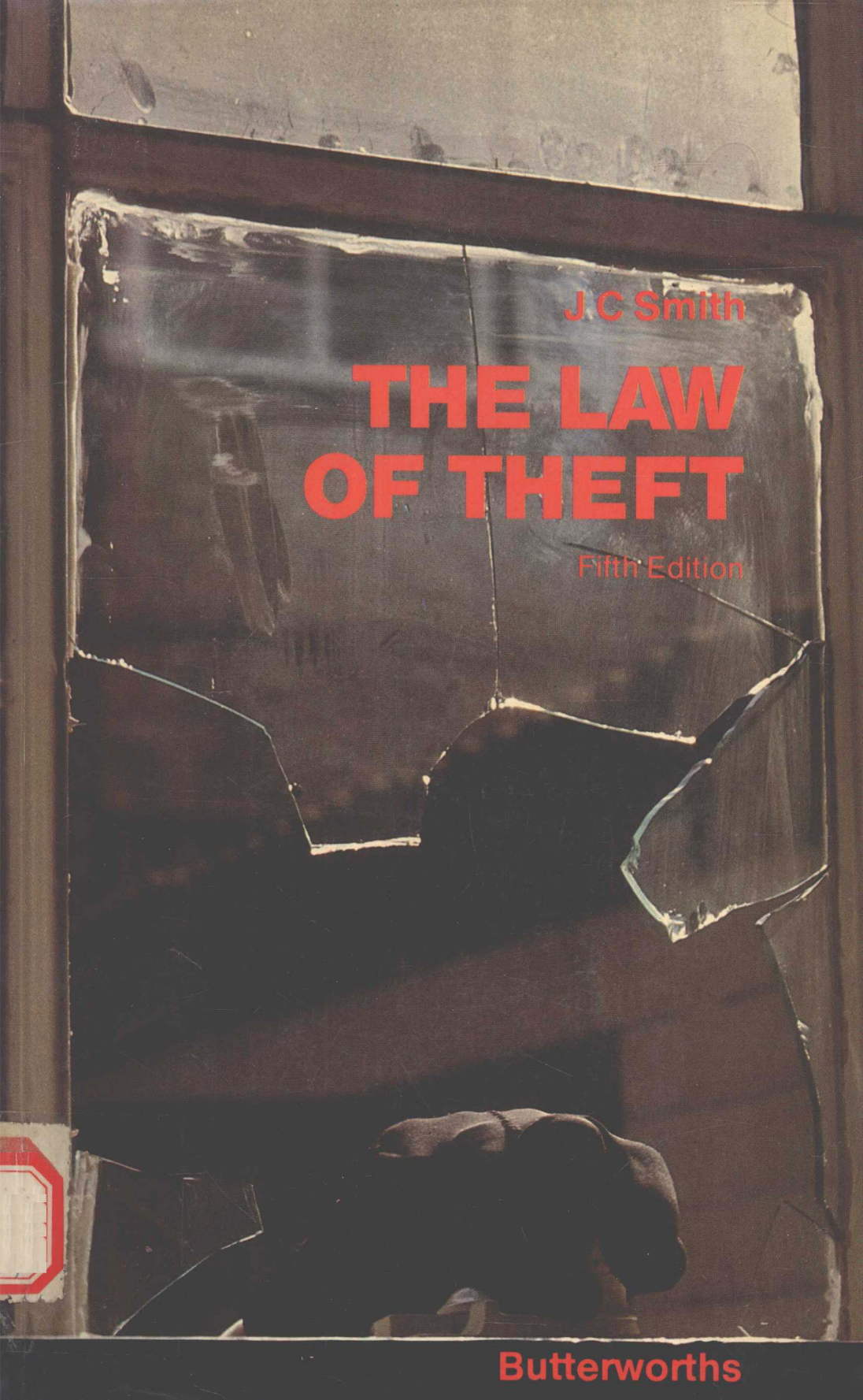




J C Smith

THE LAW OF THEFT

Fifth Edition



Butterworths

THE LAW OF THEFT

FIFTH EDITION

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PREFACE

Since the last edition there have been two decisions of great importance for the offence of theft. The twin cases of *Morris* and *Burnside v Anderton* [1983] 3 All ER 288 have solved some problems but created others. How the unanimous dicta of the House, that 'appropriation' must be an unauthorised act, are to be reconciled with the House's earlier decision in *Lawrence v Metropolitan Police Commissioner* [1972] AC 626, that section 1 of the 1968 Act is not to be construed as though it contained the words, 'without the consent of the owner,' is obscure. So is the effect of *Morris* on some of the earlier reported cases and the general principles of the law of stealing. In the present edition, an attempt is made to elucidate these matters; but it is necessarily somewhat speculative. The second decision, *Ghosh* [1982] 2 All ER 689, CA, clarifies the law relating to dishonesty, though by no means to universal satisfaction. It has required reconsideration of the treatment of dishonesty throughout the book.

Numerous other reported cases have required amendments of detail in the discussion of most of the offences under the Theft Acts. Notable among them is the decision of the House of Lords in *Bloxham* [1982] 1 All ER 582 which has made a significant contribution to clarifying the badly-drafted section 22 of the 1968 Act, defining the offence of handling stolen goods.

Space for dealing with new developments has been created by the elimination of detailed discussion of some rather abstruse points, particularly in the law of obtaining and of handling. Some of this writing was, perhaps, more suited to an article than a textbook; and the reader who is confronted with one of these unlikely points will find references to the appropriate passages in earlier editions.

I record my grateful thanks to Diane Birch and Michael Gunn who have rendered invaluable assistance in reading the proofs.

I have endeavoured to state the law as at 1 April 1984.

J. C. Smith

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