

CONCISE
COLLEGE
Casenotes

SLATER & DOBSON: CASES & STATUTES ON CRIMINAL LAW

SECOND EDITION

A.P. DOBSON



SWEET
& MAXWELL

CONCISE COLLEGE CASENOTES

**CASES AND STATUTES
ON
CRIMINAL LAW**

SECOND EDITION

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PREFACE

A certain amount of legislation and the activity of the courts since the first edition, especially the spate of decisions on theft and related offences, have forced three changes in this edition. First, the selection of material in order to be up-to-date is very different. Secondly, in order to include a greater number and still keep the book as a slim volume, quite a lot of cases do not receive a full entry but are referred to in notes following on from related cases. Thirdly, I have assumed that anyone studying criminal law will have his own copy of the Theft Act 1968 and I have therefore not in Chapter 8 reproduced the wording of all its major provisions—although those of the 1978 Act are there.

I have tried to be up-to-date to the end of June 1981 but it has been possible to include brief references to some later cases such as the House of Lords decisions in *Cunningham* (*mens rea* for murder) and *Lambie* (credit card fraud). The Criminal Attempts Act and the Forgery and Counterfeiting Act received the Royal Assent before the summer 1981 Parliamentary Recess, in time to be incorporated in this edition.

There are two cases which have come to hand too late for inclusion in the body of the text. In *Holt* [1981] 1 W.L.R. 1000, the defendants, while eating in a restaurant, planned to evade paying for their meal (cost £3.65) by pretending that a waitress had removed a £5 note from the table. An off-duty policeman who was eating at another table overheard them making these plans and then observed them declining to pay and advancing their attempted deception to the restaurant manager. They were convicted of attempting to evade liability by deception contrary to the Theft Act 1978, section 2(1)(b) by attempting by deception to induce the manager to forgo payment. The Court of Appeal dismissed their appeals holding that the attempt charged fitted within section 2(1)(b). For the wording of section 2(1)(b) see page 125.

The other case is *Eddy v. Niman* [1981] Crim L.R. 502. The accused went with a friend into a supermarket intending to steal. Inside he placed goods in the receptacle provided by the supermarket. He then changed his mind about stealing the goods, left them with his friend and left the store without them. He was charged with theft. The Divisional Court held that although he had

had a dishonest intention, he had not “appropriated” the goods, because the placing of the goods in the receptacle provided was within the implied consent of the store.

Paul Dobson

Woodford
July 1981

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