

THE POST OFFICE

# Security & Investigation Services

Security Foundation Programme – Open Learning

## Theft 2

(Deception/Handling Stolen Goods/  
Going Equipped to Steal)



INVENTOR IN PROFILE



## Acknowledgments

### Editorial Team

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### Design and Artwork

Communications Services.

All Training Centre materials are presently being evaluated by Portsmouth University for accreditation towards their Higher Education Programme.

On completion of this module, Accreditation of Prior Learning (APL) in terms of knowledge and understanding may be used as part of the assessment process for those candidates following the National Vocational Qualification (NVQ) in Investigation.

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SECURITY FOUNDATION PROGRAMME

# Open Learning: Theft 2

(Deception/Handling Stolen Goods/  
Going Equipped to Steal)

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## SECURITY FOUNDATION PROGRAMME

# Introduction

In this module you will look at three further aspects of theft, that is, deception, handling stolen goods and going equipped to steal.

In the first section on deception you will look at what the term deception actually means, and then look at the two particular crimes involving deception:

- obtaining property by deception;
- obtaining services by deception.

In the section on handling stolen goods, you will look at what handling stolen goods is and how the offence can be committed. As a Security Manager you will need to understand what points need to be proved within the offence if you are required to deal with this type of crime.

In the final section you will look at what going equipped to steal is and how you would prove the offence if you were required to deal with it.

## SECURITY FOUNDATION PROGRAMME

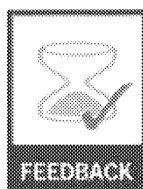
## How to use this Workbook

This workbook has been designed to enable you to work at your own pace. Give yourself time to think about the topics covered in each section before going on to the next one. At various points in the workbook you will be asked to take part by completing an Activity. The workbook is for you to keep, so you should write your answer to each Activity in the space provided.

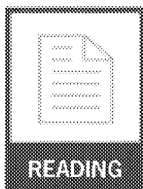
Activities will be identified by the following symbols in the margin:



*You will be asked to carry out a variety of activities throughout this workbook. These will help you to explore issues and check your understanding.*



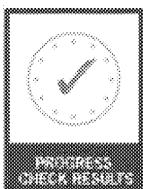
*This will give the answer to, or information about, the activity you have just completed. Feedback is given for you to check your own ideas and responses.*



*You will be asked to read sections of certain documents before continuing.*



*A set of self-check questions or activities will appear at the end of the workbook. These will help you to assess your understanding of the complete workbook.*



*These will help you to check your answers to the Progress Check questions. If your response does not match the answer given, you should go back over the relevant part of the workbook to re-check your understanding of it.*

This workbook should take you between 2-3 hours to complete.

## SECURITY FOUNDATION PROGRAMME

# Introduction: How to use this Workbook

### Support

If you have any difficulty understanding the material in this workbook, you should first contact your Line Manager for advice.

If you need additional advice or guidance, please contact the Security Training Centre by e-mail at:

Security Training Centre: **GRO**

Alternatively you can contact us by telephone Monday to Friday, 08.30 to 20.00hours, on 020 8681 9621, or write to:

Security Training Centre  
Impact House  
2 Edridge Road  
CROYDON  
CR9 1PJ

Our aim will be to respond to all requests for support within 24 hours of receipt of your enquiry (Monday to Friday).

## SECURITY FOUNDATION PROGRAMME

# Objectives

After completing this workbook you will be able to:

- explain the meaning of the word deception;
- explain the offence of obtaining property by deception
  - contrary to Section 15 of the Theft Act 1968;
- explain the offence of obtaining services by deception
  - contrary to Section 1 of the Theft Act 1978;
- state the offence of handling stolen goods;
- describe the ways that the offence of handling stolen goods can be committed;
- describe the points to prove for handling stolen goods;
- define the offence of going equipped to steal;
- list the four points to prove the offence of going equipped to steal.

## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception

Various Acts of Parliament created a number of offences of dishonestly getting something by cheating. Security Managers commonly refer to these offences as deception, or criminal deception.

In this section we will consider two particular crimes involving deception:

- obtaining property by deception;
- obtaining services by deception.

This section considers these two offences as outlined in the Theft Acts of 1968 and 1978. Here is the wording for the offences:

### Obtaining Property by Deception

#### Section 15 (1) Theft Act 1968

*A person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it shall on conviction or indictment be liable to imprisonment for a term not exceeding 10 years.*

### Obtaining Services by Deception

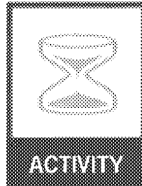
#### Section 1 (1) Theft Act 1978

*A person who by any deception dishonestly obtains services from another, shall be guilty of an offence punishable on indictment to a term of imprisonment not exceeding 5 years.*



## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



Next we shall consider:

- the features which are common to both offences;
- the offences themselves.

Q1. Read the definitions of the offences on the previous page.  
Work out what features are common to both and list them  
in the box provided.

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception



Check your answer with the following:

- Q1. Read the definitions of the offences on the previous page.  
Work out what features are common to both, and list them in the box provided.

*The features common to both offences are:*

- *deception*
- *dishonestly*
- *obtains*

### Deception

The definition of the term deception is provided by Section 15 (4) of the Theft Act 1968 which states that:

#### Section 15 (4) Theft Act 1968

*Any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.*

This fairly intricate definition applies to both offences of obtaining property and services by deception. We will look at each of the elements individually and provide some examples.

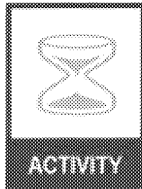
Deception can be described in the following way:

To deceive is ...to induce a person to believe that a thing is true which is false and which the person practising the deceit knows or believes to be false.

(These words have judicial approval.)

## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



Consider the following scenario, and then answer the question that follows:

*A suspect has used a metal disc in a vending machine.  
The machine accepts it as a real coin and accordingly  
delivers a can.*

Q2. Has there been a deception?



## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



Check your answer with the following:

Q2. Has there been a deception?

*No. The suspect has in fact committed theft. For a deception to take place a person has to be deceived; you cannot deceive a machine.*

*The law sees no difference between the case of the suspect who uses a screwdriver to steal from a machine and one who uses a coin or disc of some sort to achieve the same result.*

We now move on to **Deliberate or Reckless**:

### Deliberate

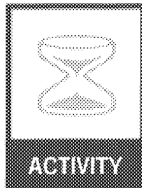
A deception is deliberate if the accused knows that their statement is false, and may be accepted as true by the victim.

### Reckless

A deception is reckless if the accused is aware that it may be false, and may be accepted as true by the victim.

## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



Consider the following scenario and then answer the question that follows:

*A Post Office employee offers a colleague a watch for sale:*

*The buyer asks:*

*"Is it definitely made of gold?"*

*The seller replies, "Of course it is, 9 Carat. Would I lie to you?"*

*He really thinks to himself that, "I haven't a clue – but he's not to know that".*

*It transpires that the watch is not gold.*

Q3. Is this reckless or deliberate deception?

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception



Check your answer with the following:

Q3. Is this reckless or deliberate deception?

*This illustrates reckless deception as he did not know or care if the statement was true.*

Deceptions can be carried out by:

- words alone;
- conduct alone;
- words and conduct.

#### Words Alone

An example of a deception by words alone would be if a person who had bottles of cold tea, told a buyer of the bottles that they were in fact whisky, when they knew all along that they were cold tea.

#### Conduct Alone

An example of a deception by conduct alone would be if a person who knows that the pools coupons and money are collected every Thursday night on a particular road, decided to dress the same as the pools collector and knocked at the houses, following which the occupants handed over the pools money without any actual conversation.

#### Words and Conduct

An example of deception by words and conduct would be the same as the previous scenario, except that the occupants of the houses asked the person if he was the official pools money collector and he said yes.



## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



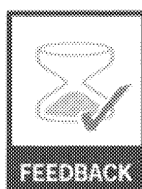
Consider the following scenario and then answer the question that follows:

*Phil has been out drinking with his friend. He goes into a restaurant and is shown a table. He is given a menu. He knows full well that he has no money. He nevertheless orders a meal intending to slip out afterwards when the waiter is not looking. After consuming the meal and a bottle of wine, he tries to sneak out. He is detained by the waiter and the manager calls the police.*

Q4. Has there been a deception? If so, what kind of deception has taken place?

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception



Check your answer with the following:

Q4. Has there been a deception? If so, what kind of deception has taken place?

*Yes, there has been a deception implied by the person's conduct.*

*It is now established in law that someone who enters a restaurant and orders a meal implicitly represents that they intend to pay for the meal before leaving.*

### Difficult to Prove

It is important to note, however, that if the suspect does not admit they had a dishonest intention from the outset, it is very difficult to prove a deception.

This anomaly has been overcome to a large degree by the introduction of a further offence under Section 3 of the 1978 Theft Act, "Making Off Without Payment". This however is not an offence you come across in your duties as a Security Manager.

### As to Fact

The phrase **as to fact** is fairly straightforward. Note that a misrepresentation **as to fact** is to be contrasted with a genuinely held **opinion**. For example, if the seller of the watch described previously genuinely believed the watch was a gold one, then he would not have been practising a deception.

### As to Law

The phrase **as to law** covers the situation where members of the legal profession (such as Barristers and Solicitors) make false statements as to the content of legal documents.

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception

## Present Intentions

Present intentions is shown in the definition as:

**'including a deception as to the present intentions of the person using the deception or any other person.'**

This sounds more complicated than it really is and can be explained in the following examples:

*Chris promises to paint the exterior of Peter's house. Chris intends to do the work. Peter pays him an advance of £200. Chris goes bankrupt and is unable to do the work.*

This is merely a promise which has not been kept. Chris did not deceive Peter as to his present intentions.

*Chris promises to paint the exterior of Peter's house. He asks for and receives a deposit of £200. Chris has no intention of carrying out the work and does not do so.*

This is different from the first case because Chris practised a deception as to his present intention at the time he made the promise.

*Chris is Dave's business partner. Chris promises that Dave will paint Peter's house. Chris knows that Dave will not actually do the work. Peter pays a deposit of £200. Dave does not carry out the work.*

This illustrates another possibility. Chris has practised a deception as to the present intentions not of himself but of another person – Dave. This is covered by the definition of deception.

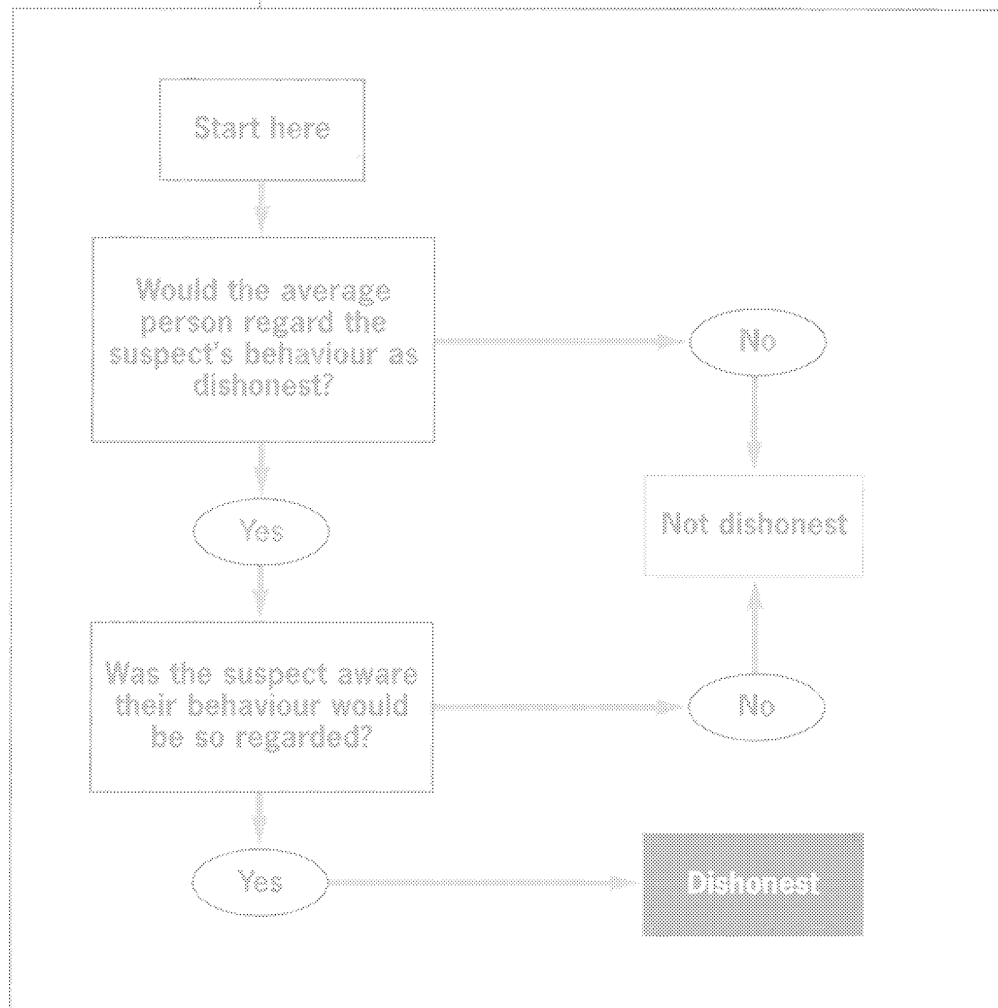


## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception

## Dishonestly

**Dishonestly** has not been defined for these deception offences. However, it can be given its normal everyday meaning as judged by the standards of ordinary decent people. The Court of Appeal has provided a fairly simple test which applies to theft and deception alike, and is mentioned in the Theft 1 module.



## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception

### Obtains

The term **obtains** is fairly self-explanatory.

**'...a person is to be treated as obtaining property if they obtain ownership, possession or control of it'.**

Ownership, possession and control can be given their ordinary, everyday meaning.

**'...obtains includes obtaining for another or enabling another to obtain or retain'.**

The important point for you to remember is that **obtaining** has quite a wide meaning. It is not restricted to cases where suspects obtain merely for themselves.

The terms **property belonging to another** and **intention of permanently depriving the other of it**, have the same meaning as mentioned in the Theft 1 module.

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception

### Points to Prove Summary

A key feature of this offence is that the obtaining must be by **deception**. When you investigate the offence you must establish each of the points to prove, ensuring that a deception has occurred prior to the property being dishonestly obtained. These points are:

1. The accused practised a **deception**.
2. The accused was **dishonest**.
3. The **deception operated on the mind of the victim** and it was a cause of the property in question being **obtained** by the accused.
4. There was **property belonging to another**.
5. The accused had the **intention of permanently depriving the other of it**.

As stated at the beginning of this section the definition of **obtaining property by deception** is:

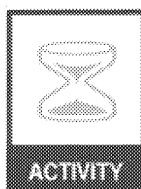
### Section 15(1) Theft Act 1968

*A person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it shall on conviction or indictment be liable to imprisonment for a term not exceeding 10 years.*



## SECURITY FOUNDATION PROGRAMME

### Section 1: Deception



Consider the following scenario and then answer the questions that follow.

*Norman goes into his Post Office to withdraw some cash. Sharon is a new clerk and pays out five pounds extra by mistake. Norman realises Sharon has made a mistake. He decides to keep quiet and deceive Sharon into thinking he received the correct amount. He leaves the Post Office.*

Q5. Has Norman committed an offence contrary to Section 15 of the Theft Act 1968?

Q6. What offence, if any, has been committed by Norman?

## SECURITY FOUNDATION PROGRAMME

### Section 1: Deception



Check your answers with the following:

Q5. Has Norman committed an offence contrary to Section 15 of the Theft Act 1968?

*No. Norman practised his deception after he had obtained the property. The deception did not cause Sharon to part with the property.*

*If you go through the points to prove one by one, you find them all satisfied apart from number 3.*

Q6. What offence if any has been committed by Norman?

*Theft. Norman has dishonestly appropriated property belonging to another with the intention of permanently depriving the other of it.*

Remember that appropriation in theft includes the case where a person has come by property innocently (as here) without stealing it, then subsequently assumes a right to it by keeping it as owner.

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception

### Obtaining Services by Deception

A person's labour is something of economic value. It is the main way by which most people acquire property. It is not itself property. As such, the delivery of mail or transactions at a Post Office amount to services.

To cause someone by deception to do certain work is not an offence of obtaining property. It can, however, constitute an offence under Section 1 of the Theft Act 1978.

#### Section 1 (1) Theft Act 1978

*A person who by any deception dishonestly obtains services from another shall be guilty of an offence (arrestable).*

### Points to Prove – Summary

Again, a key feature of this offence is that the obtaining must be **by deception**. When you investigate the offence, you must establish each of the points to prove, ensuring that a deception has occurred prior to the services being dishonestly obtained. These points are:

1. The accused practised a **deception**.
2. The accused was **dishonest**.
3. There was a **service** which it was understood had been or would be paid for.
4. The **deception** operated on the mind of the victim and caused that person to confer the benefit in question.

**Deception, dishonesty** and point number 4 have already been considered earlier in this section.

**There was a service...** is explained in the 1978 Theft Act which states:

#### Section 1 (2) Theft Act 1978

*It is an obtaining of services where the other is induced to confer a benefit ...on the understanding that the benefit has been or will be paid for.*

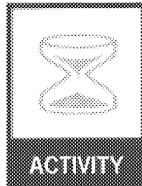
SECURITY FOUNDATION PROGRAMME

# Notes



## SECURITY FOUNDATION PROGRAMME

# Section 1: Deception



Consider the following scenarios and answer the questions which follow:

*John induces his neighbour, Mike, to mow his lawn by falsely stating that he has sprained his ankle.*

Q7. Has John committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

• *Mrs Jones finds an AA card in the name of Evans. When her own car breaks down the next day, she uses the card to get her vehicle recovered by the AA.*

Q8. Has Mrs Jones committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

*Debbie receives items of mail which have unfranked stamps. She soaks the stamps off and re-uses them to post mail.*

Q9. Has Debbie committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

## SECURITY FOUNDATION PROGRAMME

## Section 1: Deception



Check your answers with the following:

Q7. Has John committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

*No. There was never any understanding that Mike would be paid.*

Q8. Has Mrs Jones committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

*Yes. This illustrates the case where the benefit has been paid for (by Evans, the owner of the card).*

Q9. Has Debbie committed an offence against Section 1 of the Theft Act 1978? Explain your answer.

*Yes. This illustrates a case where it is understood that the benefit has been paid for. Yet in actual fact it has not, as the stamps have already been used, so they are no longer valid. You would, however, have to prove that the Post Office was deceived into accepting and delivering the mail, and this may not be easy.*

### Conferring a Benefit

The victim conferred a benefit on someone?

For the purposes of the Act, a person confers a benefit by:

- **doing some act** (e.g. providing a postal service to the suspect); or
- **causing some act to be done** (e.g. telling someone to repair the suspect's car); or
- **permitting some act to be done** (e.g. being induced to let the suspect into a football ground to watch a match).

## Section 2: Handling Stolen Goods

### Introduction

It has been said that if there were no **handlers** there would be no thieves. Whilst this may not be strictly true, there can be little doubt that if the thief could not find a market for the ill-gotten gains, there would be little point in stealing them in the first place. This view may well explain why this offence carries a longer maximum sentence of imprisonment than theft itself.

Handling stolen goods is covered in Section 22 of the Theft Act 1968. It states:

#### Section 22 Theft Act 1968

*A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.*

Next we will look at some of the key points of Section 22. They are:

- otherwise than in the course of the stealing
- knowing or believing
- dishonestly

### Otherwise than in the Course of the Stealing

This is here to prevent the thief from being charged with two offences at the same time, i.e. Theft and Handling Stolen Goods. Although the thief may physically handle the goods, they would not normally be charged under this Section.

### Knowing or Believing

At the time of the handling, the person must either know the goods to be stolen or believe them to be stolen.

## SECURITY FOUNDATION PROGRAMME

## Section 2: Handling Stolen Goods

### Dishonestly

The person must **act dishonestly**. Take, for example, the situation where a person receives goods which they knew to be stolen, with the express intention of returning them to the owner or the Police. In this case, whilst they fulfil the element of "Knowing or Believing", **they do not act dishonestly**, therefore both necessary mental elements would not be present. If, however, the person retained the goods without the intention to return them, this would be dishonest.

The knowing or believing combined with the dishonesty is often referred to as guilty knowledge. This guilty knowledge is generally proved by circumstantial evidence.

### Unlikely

If a person bought goods from an unlikely seller in an unlikely place at an unlikely time and for an unlikely price, then the inference would be that the accused believed the goods to be stolen.

Other factors which could assist the Court to determine guilty knowledge could be one or a combination of the following:

- direct evidence, e.g. admission of the accused;
- concealment of property;
- property found after denial of possession;
- removal of identification marks;
- immediate disposal of the goods;
- furtive or secret disposal of the goods.

None of the above is absolute proof; they all require explanation.



## SECURITY FOUNDATION PROGRAMME

# Section 2: Handling Stolen Goods

### Stolen Goods Section 24 (4) Theft Act (1968)

The obvious meaning of stolen goods is **goods obtained by theft**.

Section 24 (4) of the Act extends that considerably and includes:

1. Goods which have been stolen, contrary to Section 1 (Theft Act 1968).
2. Goods which have been obtained as a result of blackmail, contrary to Section 21 (Theft Act 1968).
3. Goods which have been obtained by means of deception, contrary to Section 15 (Theft Act 1968).
4. Goods which have been stolen abroad, contrary to the law of that land.

### Goods

In Handling Stolen Goods, the word **goods** has been used instead of the word property. However, they basically mean the same thing.

Let's look at the definition of goods as given by the Theft Act 1968.

### Section 34 Theft Act 1968

*Goods includes money and every other description of property except land and includes things severed from the land by stealing.*

You can see that the definition of **goods** states that it includes every description of property. Therefore the phrase shows us that real, personal, things in action and other intangible property also fall within the definition.

## SECURITY FOUNDATION PROGRAMME

# Section 2: Handling Stolen Goods

### Goods Ceasing to Be Stolen

Goods cease to be stolen if:

- they have been returned to the owner or person from whom they were stolen;
- they are in other lawful possession (e.g. the Police);
- the owner has abandoned, or ceased to have, any claim on the goods.

### Points to Prove

When dealing with a case of **handling stolen goods**, the following four points must be proved if a conviction is to be obtained.

1. The goods were originally stolen or dishonestly obtained.
2. The goods were still stolen goods at the time of the alleged handling.
3. The accused dishonestly received the goods or dishonestly undertook or assisted in their retention, removal, disposal or realisation by, or for, the benefit of another person, or arranged to do so.
4. The accused knew or believed the goods to be stolen at the time of handling.

### Punishment

On conviction the maximum punishment is 14 years imprisonment.

## SECURITY FOUNDATION PROGRAMME

# Section 2: Handling Stolen Goods



Before we move on to the next section please answer the following question by completing the missing words:

Q10. Define the offence of Handling Stolen Goods,  
Section 22 Theft Act 1968.

*A person handles stolen goods if (otherwise than in  
the c \_\_\_\_\_) knowing or  
b \_\_\_\_\_ them to be stolen goods he  
d \_\_\_\_\_ receives the goods, or dishonestly  
undertakes or assists in their r \_\_\_\_\_,  
r \_\_\_\_\_, d \_\_\_\_\_ or realisation by or for  
the benefit of another person, or if he arranges to do so.*

## SECURITY FOUNDATION PROGRAMME

# Section 2: Handling Stolen Goods



Check your answer with the following:

Q10. Define the offence of Handling Stolen Goods,  
Section 22 Theft Act 1968.

*A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.*



## SECURITY FOUNDATION PROGRAMME

## Section 3: Going Equipped to Steal

This section deals with people who equip themselves for committing offences as outlined in the Theft Act.

### Going Equipped

#### Section 25 (1) Theft Act 1968

*A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary, theft or cheat.*

### Powers of Arrest

Although the maximum penalty is only 3 years imprisonment, this offence is one of those deemed as an arrestable offence in Section 24 (2) of PACE. (Arrestable offences are dealt with in another module.)

### Points to Prove

In order to prove that a suspect was going equipped, the following points must be proved:

1. The accused was not at his place of abode
2. He knowingly had with him
3. Any article
4. For use in the course of or in connection with any **burglary, theft or cheat**

### When not at his Place of Abode

The phrase **place of abode** simply means where the person lives. It would, of course, include any gardens, sheds, etc., which form part of the property. A person who is living rough in a car is at their place of abode when on a site with the intention of abiding there, but not when the vehicle is in transit from one site to another.

## SECURITY FOUNDATION PROGRAMME

## Section 3: Going Equipped to Steal

From a practical point of view, this offence can be committed as soon as the accused leaves their home. You do not have to prove they were in a public place.

It could therefore include any of the following:

- place of work;
- the street;
- a public house;
- in their car (when not in the garage at their home or on a site).

### Had with Him

The expression **with him** is worth considering for a moment. It doesn't just mean that the suspect was carrying the goods in their hand, it also includes articles in the suspect's possession or control.

For example, it includes where the goods are in the suspect's vehicle, or even where some other person (frequently an innocent friend) is carrying them. However, if that other person is clearly acting together with the suspect, then both "**had with them**".

The articles do not need to be in anyone's possession.

*For example: If a suspect enters a Sub-Post Office yard and leans a ladder up against the back of the office for a moment, then moves away to see if the coast is clear, they would still be deemed to have the ladder with them.*

### Knowingly

Remember that you must also prove that the accused knew they had the articles with them, and that they intended to use them for one of the specified purposes.

## SECURITY FOUNDATION PROGRAMME

## Section 3: Going Equipped to Steal

### Any Article

Any article means exactly what it says. So the ladder our suspect is carrying is just as much an article as, for example, a hammer and chisel for a burglary or a self-addressed label for overlabelling and stealing postal packets.

The article does not have to be as sinister as a hammer. A person who decides to steal something from Tesco's supermarket and deliberately takes a Tesco's carrier bag with them to put the goods in is going equipped for theft.

### Use in the Course of or in Connection with Burglary, Theft or Cheat

This point includes offences of theft and burglary (Sections 1 and 9 of the Theft Act 1968) and the word cheat in this context means an offence under Section 15 (1) of the Act. Any intention to commit the offence of obtaining property by deception will effectively entail guilt under this Section, provided the other elements can be proved.

## SECURITY FOUNDATION PROGRAMME

# Summary

This module focused on three areas relating to theft, i.e. deception, handling stolen goods and going equipped to steal.

In Section 1 we explored the meaning of deception. We then looked at obtaining property by deception and obtaining services by deception as defined in the Theft Acts of 1968 and 1978.

Section 2 looked at the offence of handling stolen goods. We looked at how this offence can be committed and what a Security Manager would have to prove within the offence.

Finally, in Section 3, we dealt with the offence of going equipped to steal. We looked at the four points you would have to prove to establish this offence.

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## Progress Check



To check your understanding of the complete module, please answer the following questions.

Q1. Deception means:

Any \_\_\_\_\_ (whether \_\_\_\_\_ or \_\_\_\_\_ )  
by \_\_\_\_\_ or \_\_\_\_\_ as to \_\_\_\_\_ or as  
to \_\_\_\_\_ including a deception as to the \_\_\_\_\_  
intentions of the person using the deception or any \_\_\_\_\_

Q2. Bruce goes into a bar. He purports to be a collector for a charity. Bill recognises Bruce as a local down-and-out. He nevertheless decides to go along with his ruse and puts money in Bruce's box. Has Bruce obtained property by deception?

Q3. Which of the following statements is true with regard to obtaining property and services by deception?

Both are offences under the Theft Act 1968.

Obtaining property by deception is punishable by 10 years imprisonment on conviction.

Obtaining services by deception is punishable by 10 years imprisonment on conviction.



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Q4. Alf has noticed that a certain size of washer is almost identical to that of a pound coin. He uses these washers to obtain cigarettes from vending machines. Has he committed an offence under Section 15 of the Theft Act 1968?

Yes – because he was dishonest and clearly obtained property as a result of a trick.

Yes – because his conduct amounts to theft.

No – because his conduct does not amount to any offence known to law.

No – because a machine cannot be deceived.

Q5. Bart is given too much change by mistake in his Post Office. Bart decides to keep the cash when he discovers what has happened. Has he committed an offence under Section 15?

Yes – he practised a deception and this enables him to keep the property.

Yes – the crucial element of dishonesty is present.

No – he was not dishonest. It's a simple mistake.

No – the deception did not cause the clerk to part with the property.

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## Progress Check

Q6. Which goods are classed as stolen within the meaning of 'Handling Stolen Goods'? Goods obtained as a result of a:

- i) Deception contrary to Section 15 Theft Act 1968.
- ii) Theft from a jewellers in France.

(i) only

(ii) only

both

neither

Q7. What four points must be proved before a conviction for handling stolen goods can be obtained?

1.

2.

3.

4.

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## Progress Check

Q8. With regard to handling stolen goods, which, if either, of the following statements is correct?

- i) The dishonesty must occur at some stage whilst the goods are in the possession of the handler.
- ii) Goods include money and every other description of property except land, and includes things severed from the land by stealing.

(i) only

(ii) only

both

neither

Q9. Complete the points to prove for going equipped.

1. *the accused was* \_\_\_\_\_

2. *he knowingly* \_\_\_\_\_

3. *any* \_\_\_\_\_

4. *for use in the course of or in connection with any*

\_\_\_\_\_

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Q1. Deception means:

*Any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception, or any other person.*

Q2. Has Bruce obtained property by deception?

*No, Bill was not deceived. Although he parted with some money, it was not because of the deception.*

Q3. Which of the following statements are true with regard to obtaining property and services by deception?

Both are offences under the Theft Act 1968.

✓ Obtaining property by deception is punishable by 10 years imprisonment on conviction.

Obtaining services by deception is punishable by 10 years imprisonment on conviction.

SECURITY FOUNDATION PROGRAMME

## Progress Check

Q4. Has he committed an offence under Section 15 of the Theft Act 1968?

Yes – because he was dishonest and clearly obtained property as a result of a trick.

Yes – because his conduct amounts to theft.

No – because his conduct does not amount to any offence known to law.

✓ No – because a machine cannot be deceived.

Q5. Has he committed an offence under Section 15 of the Theft Act 1968?

Yes – he practised a deception and this enables him to keep the property.

Yes – the crucial element of dishonesty is present.

No – he was not dishonest. It's a simple mistake.

✓ No – the deception did not cause the clerk to part with the property.



## SECURITY FOUNDATION PROGRAMME

# Progress Check

Q6. Which goods are classed as stolen within the meaning of 'Handling Stolen Goods'? Goods obtained as a result of a:

i) Deception contrary to Section 15 Theft Act 1968.

ii) Theft from a jewellers in France.

(i) only

(ii) only

✓ both

neither

Q7. What four points must be proved before a conviction for handling stolen goods can be obtained?

1. *The goods were originally stolen or dishonestly obtained.*

2. *The goods were still stolen goods at the time of the alleged handling.*

3. *The accused dishonestly received the goods or dishonestly undertook or assisted in their retention, removal, disposal or realisation by, or for, the benefit of another person, or arranged to do so.*

4. *The accused knew or believed the goods to be stolen at the time of handling.*

## SECURITY FOUNDATION PROGRAMME

## Progress Check

Q8. With regard to handling stolen goods, which, if either, of the following statements is correct?

- i) The dishonesty must occur at some stage whilst the goods are in the possession of the handler.
- ii) Goods include money and every other description of property except land, and includes things severed from the land by stealing.

(i) only

(ii) only

✓ both

neither

Q9. Complete the points to prove for going equipped.

- 1. *the accused was not at his place of abode*
- 2. *he knowingly had with him*
- 3. *any article*
- 4. *for use in the course or in connection with any burglary, theft or cheat*



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