

Robbery and Burglary

A basic outline ...

PRECIS NOTES WILL BE CHECKED

1

Advice...

- Do not chat while a lecture is being given.
- Read and précis Chapter 11 'Criminal Law for A2' by Jacqueline Martin and/or Chapter 7 of 'Criminal Law' by Diana Roe .
- Turn off your mobile.

2

S8 Theft Act 1968

- *"A person is guilty of robbery if he steals and immediately before or at the same time of doing so and in order to do so, he uses force on any person or seeks to put them in fear of being then and there subjected to force."*

3

Sentence

- As per s2 Crime (Sentences) Act 1977 a second serious offence of robbery can attract an automatic life sentence.

4

Robbery - aggravated theft

- Key cases ...
- Robinson 1977
 - Hale 1978
 - Clouden 1987
 - Dawson 1976
 - Corcoran & Anderton 1980 (special study).
- See the Criminal Law Revision Ctte comments - page 159 of Diana Roe.

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In Law firms ...

- In Law firms undertake the activity on page 160 of Diana Roe.
- *Use statute and cases in determining an answer.*

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Burglary

S9 (1)(a) of Theft Act 1968

- “*Burglary is committed where the defendant enters a building or part of one as a trespasser, with the intent to steal, to inflict GBH [or to rape therein] or to do unlawful damage to the building or anything inside it.*”

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Alternative ...

- Section 9(1)(b) provides that it is also committed when a person steals or inflicts GBH on another after he has entered as a trespasser or attempts to do either of these things

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Maximum sentence ...

- As per s9(3) the maximum sentence for burglary is 14 years.

What is the difference between s9(1)(a) and s9(1)(b)?

9

Entry ...

- Note that the entry must be effective (early cases substantial and effective)
- Collins 1973
- Brown 1985
- Ryan 1996

This is a very important area - try to search out more cases and establish depth.

10

Must be a trespasser ...

- Jones and Smith 1976
- Hillen & Pettigrew v ICI 1936

What about entering in excess of permission - expand this area?

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Must be a building ...

No statutory definition - common law approaches ...

- Stevens v Gourley 1859
- B and S v Leathley 1979
- Walkington 1979
- Norfolk Constab v Seekings & Gould 1986

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Aggravated Burglary

- S10 Theft Act 1968
“A Person is guilty of aggravated burglary if he commits burglary and at the time has with him any firearm or imitation firearm, any weapon of offence, or any explosive.”

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What is a firearm?

- S10(2) states the term firearm also includes airguns, air pistols and imitation firearm means “*anything that has the appearance of being a firearm, whether capable of being discharged or not.*”

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Remember

- Depth, analysis, Comments of Judges and Statutory Interpretation is the key to success

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Aggravated burglary ...

Key cases (minimum)

- Stones 1989
- O'Leary 1986

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In Law firms ...

- Undertake the activity on page 166 of 'Criminal Law' by Diana Roe.
- *Make use of relevant statute and case law.*

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Follow up activity ...

- Working alone, undertake the 'self-assessment questions' on page 161 of 'Criminal Law' by Diana Roe.
- *Hand in your answers to your Laws Teacher next Monday.*

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