

# Theft

## What is Theft?

**Theft is the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of it.**

For the offence to be committed all the parts of the definition must be present. **E.g.** (1) If you take and carry away property belonging to another person in the mistaken belief that it is yours, there is no theft as your taking was not dishonest.

(2) If you take and carry away property belonging to another person with the intention of using it for a particular purpose and then return it, there is no theft as your intention was not to deprive the owner permanently of it.

Another word for theft is **Larceny**. Theft of growing things from land, e.g. fruits and vegetables is called praedial larceny.



## What Can Be Stolen?

Any kind of property can be stolen, e.g. money; all movable property; documents of title to land; trees, fruits and vegetables; domestic animals; gold, precious stones and valuable minerals.

## Who Can Be Guilty Of Theft?

Anyone over 10 years of age who has enough intelligence to form an intention to steal.

## Larceny By Finding

If you find something and believe the owner can reasonably be found but you kept it for yourself, you will be guilty of theft. Otherwise you can keep what you find.

## **Larceny By A Bailee**

If property owned by someone else is placed in your temporary custody for a particular purpose (e.g. cleaning or repairs) you will be the bailee of the property. If you dishonestly sell the property, keep it for yourself or give it to anyone else other than the owner you will be guilty of theft.

## **Punishment For Theft**

The punishments for theft vary according to the nature of the offence and whether the offender has any previous convictions. For the offences mentioned above you can be imprisoned for 3 years on first conviction and up to 10 years on second conviction.

For some kinds of theft you can be imprisoned for much longer on first conviction. You can be imprisoned for 14 years for:

- stealing from your employers
- stealing from a ship or boat etc., or dock or wharf etc.
- stealing in a dwelling house
- stealing from the person
- stealing property worth more than \$75 from premises of which you are the tenant.

## **Embezzlement**

If you receive property on behalf of your employers or partners and instead of handing it over to them you keep it for yourself, you will be guilty of embezzlement and can be imprisoned for 14 years.

## **False Pretence**

If you obtain money or other property for yourself or someone else by any false pretence (e.g. that you can get a U.S. visa for the person from whom you obtain money) you will be guilty of false pretence and can be imprisoned for 3 years.

## **Fraudulent Conversion**

If you keep for yourself property which is entrusted to you for safekeeping or for delivery to someone else, or which is received by you on someone else's behalf you will be guilty of fraudulent conversion and can be imprisoned for 7 years.

## Falsifying Accounts

If you falsify the accounts of your employers with the intention of defrauding them you can be imprisoned for 7 years.

## Blackmail

If, with the intention of gaining money or other property from someone, you accuse or threaten to accuse her/him of a specified offence (e.g. a sexual offence or an offence punishable by more than 7 years imprisonment) you will be guilty of extortion and can be imprisoned for life. It makes no difference whether the person blackmailed committed the offence or not.

## Robbery

Robbery is the stealing of property from a person by using or threatening to use force.

If you rob someone you can be imprisoned for 14 years, unless:

- (1) immediately before, during or after the robbery you hit or use any other personal violence to anyone; or
- (2) with one or more persons you rob or assault with intent to rob someone; or
- (3) while armed with a dangerous or offensive weapon you rob or assault with intent to rob someone; in which case you can be imprisoned for life and whipped or flogged (if you are a man).

If you assault someone with intent to rob her/him you can be imprisoned for 3 years.

## Burglary

**Burglary is the breaking and entering of a dwelling house at night (between 7 p.m. and 5.30 a.m.) with intent to commit a serious crime.** If you are found guilty of burglary you can be imprisoned for life.

“**Breaking**” includes getting in by trick or forcing a means of getting in or out. There does not need to be any actual breaking.

“**Entering**” includes putting any part of your body or anything held in your hand inside the building.

If you commit a break and enter offence which does not amount to burglary, e.g. because the breaking and entering was not at night,

you can be imprisoned for 7 years or more, depending on the kind of building you break and enter and whether or not you actually commit a serious crime while inside.

If you enter without breaking into (e.g. if the door is open) a dwelling house at night with intent to commit a serious crime you can be imprisoned for 7 years.

If you are found anywhere at night with a dangerous or offensive weapon or housebreaking tools you can be imprisoned for 3 years on first conviction and for 10 years on second conviction.

### **Receiving Stolen Goods**

If you receive any property which you know or ought to know has been stolen you can be imprisoned for 14 years.

If you are found in possession of property which has recently been stolen without a proper explanation, you may be found guilty of receiving.

### **Police Powers**

You can be stopped and searched by any police officer who has reasonable grounds for suspecting that you are carrying stolen goods.

The police can obtain a warrant to search your home or other property if there are reasonable grounds for suspecting that stolen goods may be found there. See Section Number 25 on Police Powers of Search.