

Robbery



Objectives:

1. **State** the definition of robbery contrary to Section 8 of the Theft Act 1968.
2. **Describe** the points to prove in relation to the offence of robbery.
3. **Identify** whether an offence of robbery has been committed.

What is robbery?

A **theft** that is
aggravated by the **use** of

or

threat of **force**



QTS – what factors do you associate with robbery?

Boardblast

All students to approach the board and write down something that they associate with robbery.

Group discussion around student's answers.

Robbery Section 8 Theft Act 1968

A person commits robbery if they steal & **immediately before** doing so or



at the time of doing so & in order to do so

uses force on any person or puts or seeks to put any person **in fear** of being then & there subjected to force



Robbery

Section 8 Theft Act 1968

Triable on Indictment – Life Imprisonment

Robbery is an aggravated form of theft.

A robbery **CANNOT** be committed unless there is a theft.

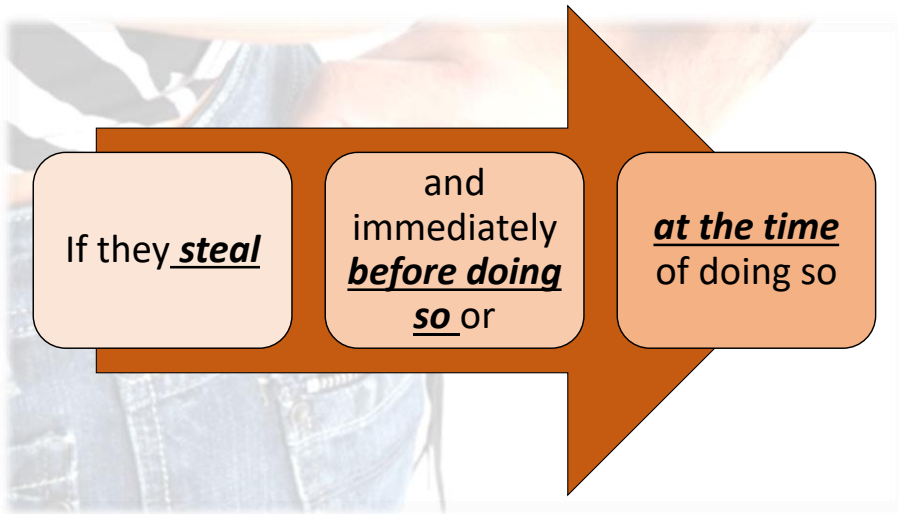
In recent years the term ‘mugging’ has been commonly used to describe an incident where a person has had property stolen and been assaulted in the street.

In fact what has occurred is an offence of robbery.

Other examples of robberies are when offenders take money from banks, building societies and security vehicles by threat or use of violence, including the use of firearms and other weapons such as knives.

Robbery can be committed anywhere, for example, in a building or in the street, unlike an offence of burglary which can only be committed in a building or part of a building.

Robbery



Activity

Students are to research the definition of robbery, the points to prove and discuss. In groups, students are to provide one example of what constitutes a robbery and one example of what would not constitute a robbery and discuss findings with the class.

1. **Steal**

Robbery cannot occur without a theft taking place.

Therefore, if any element of the theft cannot be proved the offence of robbery will not be made out

Mens Rea

DISHONESTY

and:

INTENTION TO PERMANENTLY DEPRIVE THE OTHER OF THE PROPERTY

(As per full Section 1 Theft offence)

For there to be a robbery – there must be a theft.

So therefore – **no theft = no robbery**

The word 'steal' in this offence relates to the offence under Section Theft Act 1968 – therefore if any element of theft cannot be proved – the offence of robbery will not be made out

E.g. A person needs to cross a river. They see a boat on the riverbank, and the owner is with it. The offender punches the owner of the boat and takes the boat to the other side where they tie the boat up.

This IS **NOT** robbery because a theft has not taken place.

That is not to say that there is no offence, however it is likely to be 'taking a conveyance' as opposed to 'theft'

Example – R v Robinson 1977

Robinson was owed £7 by the victim's wife. He approached the victim brandishing a knife. A fight ensued between them during which a £5 note was dropped by the victim.

Robinson picked the £5 note up and then demanded the remaining £2 owed to him - Originally convicted of robbery.

On appeal it was held that Robinson could not be guilty of robbery as there had been no theft – due to the fact that he **believed he had a right in law** to the money he took from the victim. **Therefore there was no dishonesty**. Even though he knew he was not entitled to use a knife to get it.

2. Immediately before doing so

Practically this means that there should be **an unbroken chain of events** between the force being used and the theft, even though several hours may have passed.

Consider a person being pushed over, and then having their handbag taken. The force was used immediately before the appropriation of the handbag.

R v DESMOND & HALL 1965 - case law that has interpreted the unbroken chain of events.

Robbery



- And **in order to** do so



- He **uses force** on any person



3. In order to do so

The force 'used' or the 'putting or seeking to put in fear' must be in order to commit the theft.

If the force is used for another purpose, such as escaping and is not used to carry out the theft, then there cannot be a conviction for robbery.

For example, two persons argue and one threatens to assault the other. The person is scared and gives money to the other to leave them alone.

This is **NOT** a robbery because the force was not used in order to steal.

For example, a person is walking along the road with an open handbag over her shoulder - an offender approaches her from behind, and is able to take a purse out of the handbag without using any force at all.

The person, realising what has happened grabs hold of the offender and the offender, desperate to escape, punches the person several times.

This is still **NOT** a robbery, because force was not used either before the appropriation or at the time of the appropriation, nor in order to do the appropriation.

The stealing must be aggravated by force that is either: USED or THREATENED

Force has to be used on a person to satisfy this part of the definition. An accidental use of force will not be a robbery.

FORCE USED

The Extent Of Force Used?

Force can include pulling property from a persons grasp.

A small amount of force used to accomplish a theft may change that theft into a robbery

The force used need only be minimal – e.g. nudging into a victim

However, R v Dawson 1976

Dawson and 2 others surrounded their victim. One of the attackers '**nudged**' the victim and while he was unbalanced another stole his wallet.

The Court decided to declined to define 'force' any further than to say that jurors would understand it readily enough in line with general principles of actus reus – **the force used by the defendant must be used voluntarily.**

Therefore – **accidental use of force would not amount to robbery**

Force does not actually have to be used 'on' the person – i.e. the actual body of the victim

It may be used indirectly – i.e. via something that the victim is carrying – and thereby transferring the force to the person

As in **R v Clouden 1987** where the defendant had wrenched the victim's shopping basket from her hand and ran off with it.

However – **P v DPP 2012** – it was held that snatching a cigarette from the hand of the victim was incapable of amounting to robbery

'It cannot be said that the minimum use of force required to remove a cigarette from between the fingers suffices to amount

the use of force against the person. In this case there was no evidence of direct physical contact between the victim and the thief.

Robbery

The force used must be VOLUNTARY

Example – If a pickpocket is in the process of stealing a purse & is nudged by the crowd, loses their balance & falls into the victim applying involuntary force, no robbery will be committed



Force has to be used on a person to satisfy this part of the definition. An accidental use of force will not be a robbery.

Accidental use of force as when a pickpocket in the process of stealing a wallet from the victim on a train, is pushed into the victim by the train jolting on the track would not amount to robbery.

Robbery

OR
puts or seeks to put
any person **in fear** of

being then & there
subjected to force



Where only the threat of force is involved – the intention must be to put a person in fear for him/herself

An intention to put someone in fear for **another** is not enough – **R v Taylor 1996**

An example of circumstances that would NOT be sufficient to amount to 'puts' or 'seeks to put' a person in fear would be as follows.

An elderly woman is approached by a male in a dark lane. He politely asks her if she would give him a pound so that he could get the bus home as he has lost his wallet. The woman feels threatened by the man and hands over the pound. The man leaves and gets the bus home.
These circumstances do **not** amount to a robbery as the victim was not intentionally put in fear and not in order to steal.

Eg: a customer in a shop has the threat of violence made towards them, in order for the shop keeper to pass money.

The force has to be understood by the person it is directed at, therefore if force was directed towards a baby in a pram, this will **not** be robbery as a baby is too young to understand fear.

A victim cannot be put in fear of their property being damaged

Eg: A suspect walks up to a woman who was sat in an expensive vehicle which was

parked in a busy High Street. The suspect was desperate for cash and threatened the female that unless she hands over some cash he will smash her car up.

This is **NOT** a robbery - Force **must be used towards a person not property**

Robbery

You cannot fear for someone else's safety – that is Blackmail



The accused's *intention* making the threat must be to put a person in *fear of force being used against them* (R v Taylor 1996)



An *intention* to put the recipient of the threat in *fear of force being used against another is insufficient....this would be Blackmail*



Where only the threat of force is involved – the intention must be to put a person in fear for him/herself

An intention to put someone in fear for **another** is not enough – **R v Taylor 1996**

Example - A thief enters a betting shop and approaches the cashier. Without saying a word – they hand a note to the cashier that simply says
'Look to your left'

The cashier looks and sees the thief's accomplice several feet away pointing a knife at the back of a customer. The customer oblivious to these actions

A second note is passed to the cashier which says 'Give me the money or else they'll get it' The cashier, fearing for the customers safety, hands over the money from the till.

This is NOT ROBBERY as the cashier cannot fear for the safety of the customer – this is blackmail

Contrast this with – instead of handing over the money the cashier refuses. Then the offenders shout 'Look' and the customer turns around and sees the offender pointing a knife towards them – and fears for themselves.

The offender repeats the instruction and the cashier hands over the money from the till **This IS A ROBBERY** as the customer feared for themselves

If at any point force was **USED** on the customer prompting the handing over of the money – this too would be a robbery – as force was ‘used on any person’

Learning Point



A baby or a very young child may be ***too young to be 'put in fear'*** as they may be too young to understand the concept & what is happening



Where the person is ***too young*** to be ***'put in fear'*** it would ***not be possible*** to ***'seek to put'*** such a child in fear & therefore ***not amount to robbery***



It would however amount to an attempted robbery



Robbery

'Seeks to put'

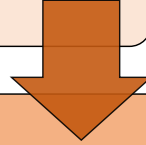
It is **irrelevant** whether the threat did or did not have the **result** of causing the person threatened to be **fearful of force** being used against them

R v Khan 2001



Threat of Force

The force threatened ***must be capable of being carried out there & then at the time of the threat***



Any threat of ***future force*** will ***not*** be robbery but it will be blackmail



Any threats to use force at some time in the future (even by a matter of minutes) would not amount to robbery – but would constitute blackmail

Threats to use force at some place other than the location of the offence fall into the same category – this effectively excludes threats made via the phone in all but the most improbable situations. **As the threats cannot be executed there and then.**

Robbery

Threatening force at any ***place other than at the scene*** ***is insufficient*** as it is not possible to execute such threats ***there & then***

Threats directed ***over the phone*** will **not** constitute robbery as it will not be possible to execute the threats there & then



Threats to use force at some place other than the location of the offence fall into the same category – this effectively excludes threats made via the phone in all but the most improbable situations. **As the threats cannot be executed there and then.**

Timing of the Use or Threat of Force

The *use* or *threat* of *force* must be either:

Immediately
before the
stealing or

At the time of
stealing



There is no guidance from the Theft Act as to what 'immediately before' means. Decided on a case by case basis, but must be very close to the theft as it must also be 'in order to facilitate the theft'.

TIMING OF THE USE OR THREAT OF FORCE

UNBROKEN CHAIN OF EVENTS

There must be an 'unbroken chain of events' between the use or threat of force - in order to facilitate the theft – even though many hours may have lapsed between them

Such as using force to tie up a member of staff in a bank – then waiting several hours for the safe system to unlock before stealing the contents

The force is still 'in order to facilitate the theft' even though time has lapsed between the 2 events

Exam Trip Up - A robbery will not arise if force is used only to make good an escape after the stealing

Clearly force used **after** the theft has taken place will not amount to robbery.

However – theft can be a continuing offence due to the specific nature of the appropriation element of the offence which may be ongoing or continuous. This will be dependant on the specific nature of each offence on it's own merits. It will

ultimately be a matter for the Jury to decide.

TIMING OF THE USE OR THREAT OF FORCE

As discussed during theft input – the act of appropriation can be continuous

Establishing when the continuous act ends is a question of fact determined in each case

If the force is used or threatened whilst the act of appropriation is ongoing – then this can result in the commission of a robbery

R v Hale 1979

However – theft can be a continuing offence due to the specific nature of the appropriation element of the offence which may be ongoing or continuous. This will be dependant on the specific nature of each offence on it's own merits. It will ultimately be a matter for the Jury to decide

R v Hale - Court of Appeal decided that 'appropriation' is a continuing act and whether it has finished or not is a matter for the Jury to decide.

Any Person

The *use* or *threat* of *force* can be on **ANY PERSON**

It *does not have to be the victim of the theft*, it can be towards a 3rd party



The force used to accomplish a robbery **need not be used or threatened against the owner or possessor of the property** – it can be towards **ANY PERSON** including a 3rd party – **as long as it is in order to facilitate the theft** from the owner or possessor

However, The force has to be understood by the person it is directed at. I.e a threat made towards a baby in a pram would not be a robbery, as the baby has no way of understanding the threat



Scenario 1

Jeff approaches Paul in the street and grips hold of him making threats to harm him if he doesn't hand over his wallet.

Unfortunately for Jeff, PC O'Hagan walks around the corner as this incident is going on and Jeff loses his 'bottle' and runs off.

Has Jeff committed Robbery?



No Theft = No Robbery

Scenario 2

Kate steals a purse from a handbag within the local shopping centre. She is walking away when she is challenged by Sam, who has witnessed the theft.

Kate assaults Sam by giving her a 'kicking' and makes good her escape.

Has Kate committed Robbery?



No robbery - force was used **after** the theft was complete and not in order to steal

Scenario 3

Ian follows Becky around the streets of Sandford with the intention of finding a suitable place to assault her.

He lunges towards Becky and manages to knock her to the floor. Becky's purse falls out of her bag, Ian then steals the purse and contents and runs off.

Has Ian committed Robbery?



No - Force must be used in order to steal. In this instance the force was used in order to assault

Scenario 4

Mark intends to commit robbery. He sees a student with a bag over her shoulder. Mark approaches the student, pulls the bag from her shoulder and a slight struggle then ensues before Mark is able to rip the bag from the student's grip.

Has Mark committed Robbery?



Yes - The force used (slight struggle) is sufficient to satisfy this.

Scenario 5

Ed walks up to the driver of a motor car parked on the High Street. Ed is desperate for cash and he threatens the driver that unless he hands over some cash he will smash the car up.

Has Ed committed robbery?



No - Force must be used towards a person not property

Scenario 6

James is walking along the High Street, pushing his one month old baby son in a pram. Steve walks up and shouts 'give me your wallet and money or the baby gets it'

James (who understandably is afraid) hands over the money and Steve makes off into Prospect Place.

Has Steve committed robbery?



No - The force has to be understood by the person it is directed at.