

HANDLING STOLEN GOODS

INTRODUCTION

Section 22 of the Theft Act 1968 provides:

“(1) 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.

(2) A person guilty of handling stolen goods shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.”

ACTUS REUS

1. STOLEN GOODS

Section 34(2)(b) states that goods includes money and every other description of property, except land, and includes things severed from the land by stealing.

‘Stolen goods’ means goods which have been stolen (contrary to s1) or obtained by deception (contrary to s15) or by blackmail (contrary to s21): s24(4).

Goods ‘stolen’ in a foreign country (including Scotland and N. Ireland) are stolen goods if they were appropriated or obtained abroad in such a way as to satisfy the requirements of ss 1, 15 or 21 and the stealing was criminal by the law of the foreign country in question: s24(1).

2. WHEN GOODS CEASE TO BE STOLEN

The goods must not only have been stolen, but must also remain stolen at the time of the handling. Section 24(3) provides that no goods which have been stolen are to be regarded as having continued to be stolen after one of the following events has occurred:

- After they have been restored to the person from whom they were stolen or to other lawful possession or custody.
- After the person from whom they were stolen and any other person claiming through him have otherwise ceased as regards those goods to have any right to restitution in respect of the theft.

3. PROCEEDS OF STOLEN GOODS

References to ‘stolen goods’ include the proceeds of dealings with such goods by the thief or a handler. Section 24(2) provides that references to stolen goods:

“include, in addition to the goods originally stolen and parts of them (whether in their original state or not), -

- (a) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of the thief as being the proceeds of any disposal or realisation of the whole or part of the goods stolen or of goods so representing the stolen goods; and
- (b) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of a handler of the

stolen goods or any part of them as being the proceeds of any disposal or realisation of the whole or part of the stolen goods handled by him or of goods so representing them.”

See example for an illustration of s24(2).

4. FORMS OF HANDLING

The definition of the offence in s22(1) actually comprises 18 different forms of handling:

- a) Receiving
- b) Arranging to receive
- c) Undertaking the retention, removal, disposal or realisation of stolen goods for the benefit of another (four forms).
- d) Assisting in the retention, removal, disposal or realisation of stolen goods by another (four forms).
- e) Arranging to undertake or assist in the retention, removal, disposal or realisation of stolen goods by or for the benefit of another (eight forms).

5. OTHERWISE THAN IN THE COURSE OF THE STEALING

Section 22(1) states that the handling must have been ‘otherwise than in the course of the stealing’. This refers to the stealing by which the goods originally became stolen goods and means that the original thief is not guilty of handling so long as the stealing continues, nor is one of joint thieves, even in respect of the assistance he gives to the other or others. However, once the course of the stealing has ended, the original thief of the goods can be convicted of handling them.

MENS REA

1. KNOWLEDGE OR BELIEF

On the wording of s22(1) the accused must either know or believe that the goods are stolen at the time of the act of handling alleged. The Court of Appeal held in *R v Hall* (1985) 81 Cr App R 260:

- A person knows that goods are stolen if he has actual knowledge of this, or if he is told of this by someone with firsthand knowledge (eg, by the thief himself).
- ‘Belief’ was something short of knowledge, and applied to the situation where the person could not say for certain that the goods were stolen, but there was no other reasonable conclusion in the light of all the circumstances.

2. DISHONESTY

The prosecution must also prove that, when he handled the goods, the accused was dishonest. This is an issue to be decided by the jury and the *Ghosh* guidelines will apply. Consequently, a person would not be guilty of handling stolen goods, even if he knew them to be stolen, if he acquired them in order to return them to the owner, or to hand them over to the police, because of the absence of dishonesty.

3. PROOF OF KNOWLEDGE OR BELIEF

Section 27(3) provides that the following evidence (which would not otherwise be admissible under the law of evidence) is admissible for the purpose of proving that the accused knew or believed the goods to be stolen goods:

- Evidence that he has been involved in handling stolen goods from any theft within the last 12 months; and
- Evidence that he has been convicted of theft or handling stolen goods within the last five years.