

18/76**COURT OF APPEAL (ENGLAND)*****R v CHARLES*****Bridge LJ, Boreham and Bristow JJ****24 November 1975**

[1976] 1 WLR 248; [1976] 1 All ER 659; 68 Cr App R 334; [1976] Crim LR 196; (1975) 120 SJ 147; New Law Jo (England) 27 November 1975; aff'd *sub nom Metropolitan Police Commissioner v Charles* [1977] AC 177; [1976] 3 WLR 431; [1976] 3 All ER 112; (1976) 63 Cr App R 252; [1977] Crim LR 615; (1976) 120 SJ 588

CRIMINAL LAW – OBTAINING A PECUNIARY ADVANTAGE BY DECEPTION – DEFENDANT GIVEN A CHEQUE CARD – CONDITION THAT HE NOT DRAW MORE THAN ONE CHEQUE PER DAY – DEFENDANT DREW TWO CHEQUES ON ONE DAY – FOUND GUILTY OF CHARGE: *THEFT ACT 1968* (UK), S16(1).

C. was given a cheque card by a bank and was granted overdraft facilities up to £100. The bank manager told him that only one cheque backed by a cheque card would be cashed on any one day. C. drew two cheques backed by a cheque card at a club when he knew that he had no authority to draw the amount involved. He was convicted of obtaining a pecuniary advantage by deception contrary to the *Theft Act 1968* s16(1). He appealed on the ground that when he gave the cheques at the club, he did not imply that he had money in the bank or that he had made other arrangements for meeting the cheque because the cheque card guaranteed that the bank would pay.

HELD: that the appeal could be dismissed, but C. would be granted leave to appeal to the House of Lords. The Court certified the following point of law: When the holder of a cheque card presents a cheque in accordance with the conditions of the card which is accepted in exchange for goods, services or cash, does the transaction provide evidence of itself from which it can or should be inferred (a) that the drawer represented that he then had authority as between himself and the bank to draw a cheque for that amount, and (b) that the recipient of the cheque was induced by that representation to accept the cheque.
