

49/81

COURT OF APPEAL (ENGLAND) — CRIMINAL DIVISION

R v BLOXHAM

Dunn LJ, Kilner Brown and Taylor JJ

10, 20 February 1981 — [1981] 1 WLR 859; [1981] 2 All ER 647

CRIMINAL LAW – HANDLING STOLEN GOODS – ACCUSED BOUGHT MOTOR CAR – LATER SUSPECTED THAT THE VEHICLE WAS STOLEN – DECIDED TO DISPOSE OF IT TO ANOTHER PERSON – "FOR THE BENEFIT OF ANOTHER PERSON" – WHETHER ACCUSED GUILTY OF HANDLING STOLEN GOODS: THEFT ACT (UK), S22(1).

B. agreed to buy a car. Unknown to him the car was stolen. B. paid portion on account balance on production of registration documents – documents were never produced. B. subsequently suspected that the car was stolen and decided to dispose of it to avoid possession of a stolen vehicle. He sold it to a person prepared to buy it for a lesser amount without the appropriate documents. B. was charged with handling stolen goods contrary to s22(1) of *Theft Act* (UK) which made it an offence if a person "knowingly or believing them to be stolen goods ...dishonestly undertakes or assists in their ... realisation ... for the benefit of another person". At his trial B. submitted that the facts were not within the section because realisation "for the benefit of another person" did not extend to the realisation of stolen goods by sale to an innocent purchaser but was restricted to a realisation linked to the theft of the goods or the prior dishonest handling of them, since "another person" for whose benefits the goods were realised would usually be the thief or a prior dishonest handler of the goods. The Crown submitted that the words "for the benefit of another person" in the section were unambiguous and that the innocence or otherwise of that other person was irrelevant.

HELD: The words "undertakes" and "assists in" in s22(1) of the 1965 Act contemplated that the accused was playing a subsidiary role as agent for a principal. The section was not limited to the situation where the goods were realised by an agent for a principal, since the mischief which s22(1) was aimed at was dishonest handling, and all that was required to constitute the offence was a dishonest realisation of the goods which conferred some benefit on the buyer, and it was not necessary that the buyer had got the better of the transaction between himself and the seller or that the seller had derived no benefit from the realisation. Since in realising the car believing it to be stolen B. had acted dishonestly and the buyer had received a benefit, namely the use of a car for which he had paid less than the true value, all the elements of the offence were present and accordingly the appeal against conviction would be dismissed.

[Ed note: This decision was reversed by the House of Lords [1983] 1 AC 109; [1982] 1 All ER 582; [1982] 2 WLR 392]