

Offences Against Property

Please see the Magistrates Court and Crown Court Procedure page for explanation of the “either way” and “indictable” terms.

Burglary (Either Way)

This is the entering a commercial/domestic building without permission and, usually, stealing property. Whilst it may be obvious that if someone breaks into a house and steals something from inside then this amounts to burglary, it is not always appreciated that someone waiting outside, acting as lookout, can also be guilty of burglary even though they did not actually enter the property.

Aggravated Burglary (Indictable)

This is the commission of a burglary whilst in possession of a weapon. So if a person breaks into a house and is carrying a knife at the time, this will be an aggravated burglary.

Criminal Damage (Summary – below £5000. Either Way – above £5000)

This is intentionally or recklessly causing damage to property belonging to someone else. For example, if a person throws a brick at a window intending to break it then this is intentionally causing criminal damage. If, however, the person throws the brick at another, intending to hit the other but the brick misses and breaks a window behind this would be reckless. The person should have foreseen that the action of throwing a brick in the direction of a window might end up in breaking it.

Arson (Either Way)

This is the causing of criminal damage, recklessly or intentionally, by use of fire. For example, if a person steals a car then sets fire to it in an attempt to remove any of their traces they would be guilty of arson.

Arson with Intent/Being Reckless

This is arson when the person starting the fire either intends to cause danger to the lives of people nearby or is reckless (i.e. does not consider or ignores the risk) as to whether danger to lives will be caused. For example, if a person throws a Molotov cocktail through a letterbox of a house, knowing it is occupied they may be guilty of arson with intent to endanger life.

Alternatively if they set fire to the contents of a dustbin next to the back door as a prank, they may be guilty of arson being reckless as to whether life would be endangered as they should have foreseen the possibility of the fire spreading to the house and endangering the occupants.

Using Violence to Gain Entry

This usually relates to someone breaking into a property that they are normally allowed to be in. It is not burglary but at the time they were not able to get in. An example would be in a domestic situation where one partner has locked the other out and the locked out partner uses violence to get back in again.