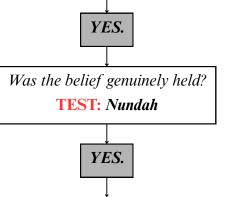


DEFENCE OF CLAIM OF RIGHT

COMMON LAW AUTHORITY: Fuge

Did the D have a belief as to the right to property or money in the hands of another?

TEST: Langham



Was the belief one of a legal entitlement to the property?

TEST: Bernhard

YES.

Did the claim of right extend to the entirety of the property taken?

YES.

TEST: Astor v Hayes

DEFENCE OF CLAIM
OF RIGHT EXISTS

Larceny/fraud not made out due to MR not being made out.

ACCESSORIAL LIABILITY?

TEST: Gregory

When a D is an accessory to a fraud/larceny offence, their claim of right depends on the bona fide claim of the principal defendant.