



Theft Act (Northern Ireland) 1969 ^{F1}

1969 CHAPTER 16

N.I.

An Act to revise the law of Northern Ireland as to theft and similar or associated offences; and for purposes connected therewith. [10th July 1969]

F1 mod. by [1981 NI 26](#)

N.I.

DEFINITION OF “THEFT”

1 Basic definition of theft. N.I.

- (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and “thief” and “steal” shall be construed accordingly.
- (2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.
- (3) The five following sections shall have effect as regards the interpretation and operation of this section (and, except as otherwise provided by this Act, shall apply only for purposes of this section).

2 “Dishonestly”. N.I.

- (1) A person's appropriation of property belonging to another is not to be regarded as dishonest—
 - (a) if he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or
 - (b) if he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or

Status: Point in time view as at 15/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969. (See end of Document for details)

- (c) (except where the property came to him as trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.
- (2) A person's appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

3 “Appropriates”. **N.I.**

- (1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner.
- (2) Where property or a right or interest in property is or purports to be transferred for value to a person acting in good faith, no later assumption by him of rights which he believed himself to be acquiring shall, by reason of any defect in the transferor's title, amount to theft of the property.

4 “Property”. **N.I.**

- (1) “Property” includes money and all other property, real or personal, including things in action and other intangible property.
- (2) A person cannot steal land, or things forming part of land and severed from it by him or by his directions, except in the following cases, that is to say—
 - (a) when he is a trustee or personal representative, or is authorised by power of attorney, or as liquidator of a company, or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him; or
 - (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or
 - (c) when, being in possession of the land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land.

For purposes of this subsection, “land” does not include incorporeal hereditaments; “tenancy” means a tenancy for years or any less period and includes an agreement for such a tenancy, but a person who, after the end of a tenancy, remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy, and “let” shall be construed accordingly.

- (3) A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.

For purposes of this subsection, “mushroom” includes any fungus, and “plant” includes any shrub or tree.

- (4) Wild creatures, tamed or untamed, shall be regarded as property; but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcase of any such creature, unless either it has been reduced into possession by or on behalf of another person and possession of it has not since been lost or abandoned, or another person is in course of reducing it into possession.

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5 “Belonging to another”. **N.I.**

- (1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest).
- (2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right.
- (3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.
- (4) Where a person gets property by another's mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then, to the extent of that obligation, the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.
- (5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

6 “With the intention of permanently depriving the other of it”. **N.I.**

- (1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other's rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.
- (2) Without prejudice to the generality of subsection (1), where a person, having possession or control (lawfully or not) of property belonging to another, parts with the property under a condition as to its return which he may not be able to perform, this (if done for purposes of his own and without the other's authority) amounts to treating the property as his own to dispose of regardless of the other's rights.

N.I.

THEFT, ROBBERY, BURGLARY, ETC.

7 **Theft.** **N.I.**

A person guilty of theft shall, on conviction on indictment, be liable to imprisonment for a term not exceeding ten years.

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8 Robbery. **N.I.**

- (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.
- (2) A person guilty of robbery, or of an assault with intent to rob, shall, on conviction on indictment, be liable to imprisonment for life.

9 Burglary. **N.I.**

- (1) A person is guilty of burglary if—
 - (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2); or
 - (b) having entered any building or part of a building as a trespasser, he steals or attempts to steal anything in the building or that part of it, or inflicts or attempts to inflict on any person therein any grievous bodily harm.
- (2) The offences referred to in subsection (1)(a) are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any^[F2] person] therein and of doing unlawful damage to the building or anything therein.
- (3) References in subsections (1) and (2) to a building shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is there.
- (4) A person guilty of burglary shall, on conviction on indictment, be liable to imprisonment for a term not exceeding fourteen years.

F2 2003 NI 13

10 Aggravated burglary. **N.I.**

- (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence or any explosive; and, for this purpose—
 - (a) “firearm” includes an airgun or air pistol, and “imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not;
 - (b) “weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and
 - (c) “explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.
- (2) A person guilty of aggravated burglary shall, on conviction on indictment, be liable to imprisonment for life.

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11 Removal of articles from places open to the public. N.I.

- (1) Subject to subsections (2) and (3), where the public have access to a building in order to view the building or part of it, or a collection or part of a collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or part of any article displayed or kept for display to the public in the building, or that part of it, or in its grounds shall be guilty of an offence.

For this purpose, “collection” includes a collection got together for a temporary purpose, but references in this section to a collection do not apply to a collection made or exhibited for the purpose of effecting sales or other commercial dealings.

- (2) It is immaterial for purposes of subsection (1) that the public's access to a building is limited to a particular period or particular occasion; but, where anything removed from a building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1).
- (3) A person does not commit an offence under this section if he believes that he has lawful authority for the removal of the thing in question or that he would have it if the person entitled to give it knew of the removal and the circumstances of it.
- (4) A person guilty of an offence under this section shall, on conviction on indictment, be liable to imprisonment for a term not exceeding five years.

12 Taking of vehicles and other conveyances without authority. N.I.

Subs.(1) rep. by 1970 c.2 (NI)

- (2) ^{F3} Subject to subsection (7), a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.
- (3) A person guilty of an offence under subsection (2) shall—
- (a) on conviction on indictment, be liable to imprisonment for a term not exceeding three years;
 - (b) on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding^{F4} level 3 on the standard scale], or to both.
- (4) On the trial of any indictment for the theft of a conveyance, the jury may acquit the defendant of theft and find him guilty of an offence under subsection (2).
- (5) A court of summary jurisdiction dealing summarily with the offence of theft of a conveyance may acquit the defendant of theft and find him guilty of an offence under subsection (2).

Subs. (6) rep. by 1989 NI 12

- (7) A person does not commit an offence under subsection (2) by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it.

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(8) For purposes of this section—

- (a) “conveyance” means any conveyance (other than a motor vehicle, trailer or pedal cycle) constructed or adapted, whether or not as its primary purpose, for the carriage of a person or persons, whether by land, water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and “drive” shall be construed accordingly;
- (b) “motor vehicle” and “trailer” have the same meanings as in the Road Traffic [^{F5} (Northern Ireland) Order 1981]; and
- (c) “owner”, in relation to a conveyance which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the conveyance under that agreement.

F3 1981 NI 2

F4 1984 NI 3

F5 1981 NI 1

13 Abstracting of electricity. **N.I.**

A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity shall, on conviction on indictment, be liable to imprisonment for a term not exceeding five years.

14 Extension to thefts from mails outside Northern Ireland, and robbery, etc., on such a theft. **N.I.**

(1) Where a person—

- (a) steals or attempts to steal any mail bag or postal packet in the course of transmission as such between places in different jurisdictions in the British postal area, or any of the contents of such a mail bag or postal packet; or
- (b) in stealing or with intent to steal any such mail bag or postal packet or any of its contents, commits any robbery, attempted robbery or assault with intent to rob;

then, notwithstanding that he does so outside Northern Ireland, he shall be guilty of committing or attempting to commit the offence against this Act as if he had done so in Northern Ireland, and he shall accordingly be liable to be prosecuted, tried and punished in Northern Ireland without proof that the offence was committed there.

(2) In subsection (1), the reference to different jurisdictions in the British postal area is to be construed as referring to the several jurisdictions of Northern Ireland, of England and Wales, of Scotland, of the Isle of Man and of the Channel Islands.

Sub. (3) rep. by SI 2003/2908

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N.I.

FRAUD AND BLACKMAIL

15 Obtaining property by deception. **N.I.**

F6

F6 S. 15 repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14, 15(1)(4), Sch. 1 para. 1(c)(i), [Sch. 3](#) (subject to transitional provisions and savings in [Sch. 2 para. 3](#)); S.I. 2006/3200, [art. 2](#)

15A Obtaining a money transfer by deception. **N.I.**

F7

F7 S. 15A repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14, 15(1)(4), Sch. 1 para. 1(c)(ii), [Sch. 3](#) (subject to transitional provisions and savings in [Sch. 2 para. 3](#)); S.I. 2006/3200, [art. 2](#)

15B Section 15A: supplementary. **N.I.**

F8

F8 S. 15B repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14(1)(3), 15(1)(4), Sch. 1 para. 9, [Sch. 3](#); S.I. 2006/3200, [art. 2](#)

16 Obtaining pecuniary advantage by deception. **N.I.**

F9

F9 S. 16 repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14, 15(1)(4), Sch. 1 para. 1(c)(iii), [Sch. 3](#) (subject to transitional provisions and savings in [Sch. 2 para. 3](#)); S.I. 2006/3200, [art. 2](#)

17 False accounting. **N.I.**

- (1) Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another—
 - (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or
 - (b) in furnishing information for any purpose, produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular;he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.
- (2) For purposes of this section, a person who makes or concurs in making in an account or other document an entry which is or may be misleading, false or deceptive in a material particular, or who omits or concurs in omitting a material particular from an account or other document, is to be treated as falsifying the account or document.

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18 False statements by company directors, etc. **N.I.**

- (1) Where an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular, he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.
- (2) For purposes of this section, a person who has entered into a security for the benefit of a body corporate or association is to be treated as a creditor of it.
- (3) Where the affairs of a body corporate or association are managed by its members, this section shall apply to any statement which a member publishes or concurs in publishing in connection with his functions of management as if he were an officer of the body corporate or association.

19 Suppression etc., of documents. **N.I.**

- (1) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court of justice or any government department shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.
- (2) ^{F10}
- (3) For purposes of this section, ^{F11} “valuable security” means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.

F10 S. 19(2) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14, 15(1)(4), Sch. 1 para. 1(c)(iv), [Sch. 3](#) (subject to transitional provisions and savings in [Sch. 2 para. 3](#)); S.I. 2006/3200, [art. 2](#)

F11 Words in s. 19(3) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14(1)(3), 15(1)(4), Sch. 1 para. 10, [Sch. 3](#); S.I. 2006/3200, [art. 2](#)

20 Blackmail. **N.I.**

- (1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and, for this purpose, a demand with menaces is unwarranted unless the person making it does so in the belief—
 - (a) that he has reasonable grounds for making the demand; and
 - (b) that the use of the menaces is a proper means of reinforcing the demand.
- (2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.
- (3) A person guilty of blackmail shall, on conviction on indictment, be liable to imprisonment for a term not exceeding fourteen years.

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N.I.

OFFENCES RELATING TO GOODS STOLEN, ETC.

21 Handling stolen goods. N.I.

- (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.

22 Advertising rewards for return of goods stolen or lost. N.I.

Where any public advertisement of a reward for the return of any goods which have been stolen or lost uses any words to the effect that no questions will be asked, or that the person producing the goods will be safe from apprehension or inquiry, or that any money paid for the purchase of the goods or advanced by way of loan on them will be repaid, the person advertising the reward and any person who prints or publishes the advertisement shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

23 Scope of offences relating to stolen goods. N.I.

- (1) The provisions of this Act relating to goods which have been stolen shall apply whether the stealing occurred in Northern Ireland or elsewhere, and whether it occurred before or after the commencement of this Act, provided that the stealing (if not an offence under this Act) amounted to an offence where and at the time when the goods were stolen; and references to stolen goods shall be construed accordingly.
- (2) For purposes of those provisions, references to stolen goods shall 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.
- (3) But no goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person 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.
- (4) Without prejudice to subsections (1) to (3), any person who, without lawful excuse, knowing that any property has been obtained under such circumstances that, if it had

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been so obtained in Northern Ireland, the person obtaining it would have been guilty of theft, has in his possession such property so obtained in the Republic of Ireland shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.

- (5) For purposes of the provisions of this Act relating to goods which have been stolen (including subsections (1) to (4)), goods obtained in Northern Ireland or elsewhere either by blackmail or [^{F12}, subject to subsection (6), by fraud (within the meaning of the Fraud Act 2006)] shall be regarded as stolen; and “steal”, “theft” and “thief” shall be construed accordingly.

[^{F13}(6) Subsection (1) applies in relation to goods obtained by fraud as if—

- (a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and
- (b) the reference to an offence under this Act were a reference to an offence under section 1 of that Act.]

F12 Words in s. 23(5) substituted (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(1)(2), 15(1)(4), **Sch. 1 para. 11(1)** (with **Sch. 2 para. 6**); S.I. 2006/3200, **art. 2**

F13 S. 23(6) inserted (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(1)(2), 15(1)(4), **Sch. 1 para. 11(2)** (with **Sch. 2 para. 6**); S.I. 2006/3200, **art. 2**

[^{F14}**23A Dishonestly retaining a wrongful credit. N.I.**

(1) A person is guilty of an offence if—

- (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest;
- (b) he knows or believes that the credit is wrongful; and
- (c) he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled.

(2) References to a credit are to a credit of an amount of money.

[A credit to an account is wrongful to the extent that it derives from—

- ^{F15}(2A)
 - (a) theft;
 - (b) blackmail;
 - (c) fraud (contrary to section 1 of the Fraud Act 2006); or
 - (d) stolen goods.]

(3) ^{F16}

(4) ^{F16}

(5) In determining whether a credit to an account is wrongful, it is immaterial (in particular) whether the account is overdrawn before or after the credit is made.

(6) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

(7) Subsection (8) applies for purposes of provisions of this Act relating to stolen goods (including [^{F17}subsection (2A)]).

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(8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.

[^{F18}(9) “Account” means an account kept with—

- (a) a bank;
- (b) a person carrying on a business which falls within subsection (10); or
- (c) an issuer of electronic money (as defined for the purposes of Part 2 of the Financial Services and Markets Act 2000).

(10) A business falls within this subsection if—

- (a) in the course of the business money received by way of deposit is lent to others; or
- (b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit.

(11) References in subsection (10) to a deposit must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act;

but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded.

(12) For the purposes of subsection (10)—

- (a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and
- (b) “money” includes money expressed in a currency other than sterling.]]

F14 1997 NI 3

F15 S. 23(2A) inserted (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(1)(2), 15(1)(4), **Sch. 1 para. 12(1)** (with Sch. 2 para. 7); S.I. 2006/3200, **art. 2**

F16 S. 23A(3)(4) repealed (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14, 15(1)(4), Sch. 1 para. 12(1), **Sch. 3** (with Sch. 2 para. 7); S.I. 2006/3200, **art. 2**

F17 Words in S. 23A(7) substituted (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(1)(2), 15(1)(4), **Sch. 1 para. 12(2)** (with Sch. 2 para. 7); S.I. 2006/3200, **art. 2**

F18 S. 23A(9)-(12) substituted (15.1.2007) for subsection (9) by Fraud Act 2006 (c. 35), ss. 14(1)(2), 15(1)(4), **Sch. 1 para. 12(3)** (with Sch. 2 para. 7); S.I. 2006/3200, **art. 2**

N.I.

POSSESSION OF HOUSEBREAKING IMPLEMENTS, ETC.

24 Going equipped for stealing, etc. **N.I.**

- (1) A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of, or in connection with, any [^{F19}burglary or theft] .
- (2) A person guilty of an offence under this section shall, on conviction on indictment, be liable to imprisonment for a term not exceeding three years.

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- (3) Where a person is charged with an offence under this section, proof that he had with him any article made or adapted for use in committing a [^{F19}burglary or theft] shall be evidence that he had it with him for such use.
- (4) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, committing an offence under this section.
- (5) For purposes of this section, an offence under section 12(2) of taking a conveyance and an offence under [^{F20} Article 172 of the Road Traffic (Northern Ireland) Order 1981] of taking a motor vehicle shall be treated as theft ^{F21}

F19 Words in s. 24(1)(3) substituted (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\), 15\(1\)\(4\), Sch. 1 para. 13\(a\)](#); S.I. 2006/3200, [art. 2](#)

F20 1981 NI 1

F21 Words. in s. 24(5) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\), 15\(1\)\(4\), Sch. 1 para. 13\(b\), Sch. 3](#); S.I. 2006/3200, [art. 2](#)

N.I.

ENFORCEMENT AND PROCEDURE

25 Search for stolen goods. **N.I.**

- (1) If it is made to appear by information on oath before a justice of the peace that there is reasonable cause to believe that any person has in his custody or possession or on his premises any stolen goods, the justice may grant a warrant to search for and seize the same; but no warrant to search for stolen goods shall be addressed to a person other than a constable except under the authority of an enactment expressly so providing.

Subs. (2) rep. by 1989 NI 12

- (3) Where, under this section, a person is authorised to search premises for stolen goods, he may enter and search the premises accordingly, and may seize any goods he believes to be stolen goods.

Subs. (4) rep. by 1998 c. 32

- (5) This section is to be construed in accordance with section 23;^{F22}

F22 1989 NI 12

26 Evidence and procedure on charge of theft or handling stolen goods. **N.I.**

- (1) Any number of persons may be charged in one indictment or in one complaint, with reference to the same theft, with having at different times or at the same time handled all or any of the stolen goods, and the persons so charged may be tried together.
- (2) If, on the trial of an indictment or the hearing of a complaint for the theft of any property, the property is alleged by the indictment or complaint to have been stolen at one time but it appears that the property was appropriated at different times, such separate appropriations may be tried or heard together, to a number not exceeding

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Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969. (See end of Document for details)

three, if a period of not more than six months elapsed between the first and the last of such appropriations.

- (3) Where, on the joint trial of two or more persons for handling stolen goods, a court of summary jurisdiction or, on a trial on indictment, the jury is satisfied that any of the accused handled all or any of the stolen goods (whether or not he did so jointly with the other accused or any of them), the court or, as the case may be, the jury may find him guilty.
- (4) Where a person is being proceeded against for handling stolen goods (but not for any offence other than handling stolen goods), then, at any stage of the proceedings, if evidence has been given of his having or arranging to have in his possession the goods the subject of the charge, or of his undertaking or assisting in, or arranging to undertake or assist in, their retention, removal, disposal or realisation, the following evidence shall be admissible for the purpose of proving that he knew or believed the goods to be stolen goods—
 - (a) evidence that he has had in his possession, or has undertaken or assisted in the retention, removal, disposal or realisation of, stolen goods from any theft taking place not earlier than twelve months before the offence charged; and
 - (b) (provided that seven days' notice in writing has been given to him of the intention to prove the conviction) evidence that he has within five years preceding the date of the offence charged been convicted of theft or of handling stolen goods.
- (5) In any proceedings for the theft of anything in the course of transmission (whether by post or otherwise), or for handling stolen goods from such a theft, a statutory declaration made by any person that he despatched or received or failed to receive any goods or postal packet, or that any goods or postal packet when despatched or received by him were in a particular state or condition, shall be admissible as evidence of the facts stated in the declaration, subject to the following conditions—
 - (a) a statutory declaration shall only be admissible where and to the extent to which oral evidence to the like effect would have been admissible in the proceedings; and
 - (b) a statutory declaration shall only be admissible if, at least seven days before the hearing or trial, a copy of it has been given to the person charged, and he has not, at least three days before the hearing or trial or within such further time as the court may in special circumstances allow, given the prosecutor written notice requiring the attendance at the hearing or trial of the person making the declaration.
- (6) This section is to be construed in accordance with section 23; and, in subsection (4)(b) of this section, the reference to handling stolen goods shall include any corresponding offence committed before the commencement of this Act.

27^{F23} Orders for restitution. **N.I.**

- (1) Where goods have been stolen, and [^{F24} either] a person is convicted of any offence with reference to the theft (whether or not the stealing is the gist of his offence) [^{F24} or a person is convicted of any other offence and such an offence as aforesaid is taken into consideration in determining his sentence], the court by or before which the offender is convicted may, on the conviction, exercise any of the following powers—
 - (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him; or

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- (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods (as being the proceeds of any disposal or realisation of the whole or part of them or of goods so representing them), the court may order those other goods to be delivered or transferred to the applicant; or
- ^{F25}(c) the court may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was taken out of his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.]
- (2) Where, under subsection (1), the court has power on a person's conviction to make an order against him both under paragraph (b) and under paragraph (c) with reference to the stealing of the same goods, the court may make orders under both paragraphs provided that the [^{F25} person in whose favour the orders are made] does not thereby recover more than the value of those goods.
- (3) Where, under subsection (1), the court on a person's conviction makes an order under paragraph (a) for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, ...^{F26}, the court may order that there shall be paid to the [^{F25} purchaser or lender], out of any money of the person convicted which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the [^{F25} purchaser] or, as the case may be, the amount owed to the [^{F25} lender] in respect of the loan.
- (4) The court shall not exercise the powers conferred by this section unless in the opinion of the court the relevant facts sufficiently appear from evidence given at the trial or the available documents, together with admissions made by or on behalf of any person in connection with any proposed exercise of the powers; and, for this purpose, “the available documents” means any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial, the depositions taken at any committal proceedings and any written statements or admissions used as evidence in those proceedings.

Subs.(5) rep. by 1980 c.47

- (6) For purposes of this section, references to stealing are to be construed in accordance with section 23(1) and (5), ...^{F26}

F23 Mod., 1980 NI 6

F24 1980 NI 6

F25 1980 NI 6

F26 1980 NI 6

S.28 rep. by 1981 NI 26

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Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969. (See end of Document for details)

N.I.

GENERAL AND CONSEQUENTIAL PROVISIONS

29 Effect on civil proceedings and rights. **N.I.**

- (1) ^{F27} A person shall not be excused, by reason that to do so may incriminate that person or the ^{F28} spouse or civil partner] of that person of an offence under this Act—
- from answering any question put to that person in proceedings for the recovery or administration of any property, for the execution of any trust or for an account of any property or dealings with property; or
 - from complying with any order made in any such proceedings;
- but no statement or admission made by a person in answering a question put or complying with an order made as aforesaid shall, in proceedings for an offence under this Act, be admissible in evidence against that person or (unless they ^{F28} married or became civil partners after the making of the statement or admission) against the spouse or civil partner] of that person.
- (2) Notwithstanding any enactment to the contrary, where property has been stolen or obtained by fraud or other wrongful means, the title to that or any other property shall not be affected by reason only of the conviction of the offender.

F27 1978 NI 23

F28 2004 c.33

30 Effect on existing law and construction of references to offences. **N.I.**

- (1) The following offences are hereby abolished for all purposes not relating to offences committed before the commencement of this Act, that is to say—
- any offence at common law of larceny, robbery, burglary, receiving stolen property, obtaining property by threats, extortion by colour of office or franchise, false accounting by public officers, concealment of treasure trove and, except as regards offences relating to the public revenue, cheating; and
 - any offence under an enactment mentioned in Part I of Schedule 3, to the extent to which the offence depends on any section or part of a section included in column 3 of that Schedule;
- but so that the provisions set out in Schedule 1 (which respectively preserve with modifications ^{F29} . . . , the offence under the Summary Jurisdiction (Ireland) Act 1862 of unlawful possession of the carcase, hide or other part of a sheep and the offence under the Pawnbrokers Act (Ireland) 1788 of defacement, etc., before sale at auction, of name or marking on watch or plate) shall have effect as there set out.
- (2) Except as regards offences committed before the commencement of this Act, and except in so far as the context otherwise requires,—
- references in any enactment passed before this Act to an offence abolished by this Act shall, subject to any express amendment or repeal made by this Act, have effect as references to the corresponding offence under this Act; and, in any such enactment, the expression “receive” (when it relates to an offence of receiving) shall mean handle, and “receiver” shall be construed accordingly; and

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- (b) without prejudice to paragraph (a), references in any enactment, whenever passed, to theft or stealing (including references to stolen goods), and references to robbery, blackmail, burglary, aggravated burglary or handling stolen goods, shall be construed in accordance with the provisions of this Act, including those of section 23.

F29 1985 NI 2

S.31(1), with Schedule 2, effects amendments; subs.(2), with Schedule 3, effects repeals

N.I.

SUPPLEMENTARY

32 ^{F30} Interpretation. **N.I.**

- (1) Sections 4(1) and 5(1) shall apply generally for purposes of this Act as they apply for purposes of section 1.
- (2) For purposes of this Act—
- (a) “enactment” means any statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954 ;
 - (b) “gain” and “loss” are to be construed as extending only to gain or loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and—
 - (i) “gain” includes a gain by keeping what one has, as well as a gain by getting what one has not; and
 - (ii) “loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has;^{F31} . . .
 - (c) “goods” includes money and every other description of property except land, and includes things severed from the land by stealing.^{F31};and]
 - ^{F31}(d) “mail bag” and “postal packet” have the meanings given by section 125(1) of the Postal Services Act 2000.]

F30 1978 NI 23

F31 SI 2003/2908

33 Commencement and transitional provisions. **N.I.**

- (1) This Act shall come into force on the 1st August 1969 and, save as otherwise provided by this Act, shall have effect only in relation to offences wholly or partly committed on or after that date.
- (2) Sections 26 and 27 shall apply in relation to proceedings for an offence committed before the commencement of this Act as they would apply in relation to proceedings for a corresponding offence under this Act, and shall so apply in place of any corresponding enactment repealed by this Act.
- (3) Subject to subsection (2), no repeal or amendment by this Act of any enactment relating to procedure or evidence, or to the jurisdiction or powers of any court, or to

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the effect of a conviction, shall affect the operation of the enactment in relation to offences committed before the commencement of this Act or to proceedings for any such offence.

34 Short title. N.I.

This Act may be cited as the Theft Act (Northern Ireland) 1969.

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*Changes to legislation: There are currently no known outstanding effects
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SCHEDULES

SCHEDULE 1 N.I.

Section 30(1).

OFFENCES OF TAKING, ETC., DEER, UNLAWFUL POSSESSION OF CARCASE, ETC., OF SHEEP AND DEFACEMENT, ETC., BEFORE SALE AT AUCTION, OF NAME OR MARKING ON WATCH OR PLATE

N.I.

TAKING OR KILLING DEER

Para. 1 rep. by 1985 NI 2

N.I.

UNLAWFUL POSSESSION OF CARCASE, ETC., OF SHEEP

- 2 Where the carcase of any sheep or lamb, or the head, skin or any part thereof, or any fleece thereof, is seized by any person pursuant to section 25(3), any person in whose possession or on whose premises any such carcase, head, skin, part or fleece is found^{F32} if he fails to satisfy a court of summary jurisdiction that he came lawfully by such carcase, head, skin, part or fleece] shall, on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both.

F32 1989 NI 12

N.I.

DEFACEMENT, ETC., BEFORE SALE AT AUCTION, OF NAME OR MARKING ON WATCH OR PLATE

- 3 Any person who changes, alters or defaces, or causes to be changed, altered or defaced—
- (a) any name engraved upon any watch as the maker or owner thereof, or the number of such watch, or the place where the same was made, or any coat of arms or crest thereon; or
 - (b) any name, cypher, crest or arms engraved upon any article or piece of family plate (whether gold or silver);
- without the consent in writing of the owner thereof or of some person duly authorised to sell the same or to give such consent, shall, unless such watch or article or piece of family plate shall, before such change, alteration or defacement, have been sold at a public auction duly advertised, be deemed, until the contrary is proved, to have handled stolen goods knowing or believing them to be stolen goods.

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N.I.

Schedule 2—Amendments

N.I.

Schedule 3—Repeals

Status:

Point in time view as at 15/01/2007.

Changes to legislation:

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