



# Theft Act (Northern Ireland) 1969

## 1969 CHAPTER 16

### THEFT, ROBBERY, BURGLARY, ETC.

#### **7 Theft.**

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

#### **8 Robbery.**

- (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.**

- (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<sup>F1</sup> . . . and of doing unlawful damage to the building or anything therein.

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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)*

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- (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.

**F1** Words in s. 9(2) repealed (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, 83, Sch. 1 para. 13(2), **Sch. 3** (with Sch. 2 para. 1); S.R. 2008/510, **art. 2**

## 10 Aggravated burglary.

- (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.

## 11 Removal of articles from places open to the public.

- (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.

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- (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.**

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

- (2) <sup>F2</sup> 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 [<sup>F3</sup> 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.
- (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 [<sup>F4</sup> (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.

<b>F2</b>	1981 NI 2
<b>F3</b>	1984 NI 3
<b>F4</b>	1981 NI 1

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**13 Abstracting of electricity.**

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.**

(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*

**Changes to legislation:**

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