



Theft Act (Northern Ireland) 1969

1969 CHAPTER 16

OFFENCES RELATING TO GOODS STOLEN, ETC.

[^{F1}23A Dishonestly retaining a wrongful credit.

- (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—

- ^{F2}(2A)
 - (a) theft;
 - (b) blackmail;
 - (c) fraud (contrary to section 1 of the Fraud Act 2006); or
 - (d) stolen goods.]

- (3) ^{F3}.....

- (4) ^{F3}.....

- (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 [^{F4}subsection (2A)]).

- (8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.

Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969, Section 23A. (See end of Document for details)

- [^{F5}(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.]]

F1 1997 NI 3

F2 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**

F3 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**

F4 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**

F5 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**

Changes to legislation:

There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969, Section 23A.