



Theft Act 1968

1968 CHAPTER 60

Theft, robbery, burglary, etc.

[^{F1}12A Aggravated vehicle-taking.

- (1) Subject to subsection (3) below, a person is guilty of aggravated taking of a vehicle if—
 - (a) he commits an offence under section 12(1) above (in this section referred to as a “basic offence”) in relation to a mechanically propelled vehicle; and
 - (b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in paragraphs (a) to (d) of subsection (2) below.
- (2) The circumstances referred to in subsection (1)(b) above are—
 - (a) that the vehicle was driven dangerously on a road or other public place;
 - (b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;
 - (c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;
 - (d) that damage was caused to the vehicle.
- (3) A person is not guilty of an offence under this section if he proves that, as regards any such proven driving, injury or damage as is referred to in subsection (1)(b) above, either—
 - (a) the driving, accident or damage referred to in subsection (2) above occurred before he committed the basic offence; or
 - (b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.
- (4) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or, if it is proved that, in circumstances falling within subsection (2)(b) above, the accident caused the death of the person concerned, [^{F2}fourteen years]^{F2}.

Changes to legislation: There are currently no known outstanding effects for the Theft Act 1968, Section 12A. (See end of Document for details)

- (5) If a person who is charged with an offence under this section is found not guilty of that offence but it is proved that he committed a basic offence, he may be convicted of the basic offence.
- (6) If by virtue of subsection (5) above a person is convicted of a basic offence before the Crown Court, that court shall have the same powers and duties as a magistrates' court would have had on convicting him of such an offence.
- (7) For the purposes of this section a vehicle is driven dangerously if—
- (a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and
 - (b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.
- (8) For the purposes of this section a vehicle is recovered when it is restored to its owner or to other lawful possession or custody; and in this subsection “owner” has the same meaning as in section 12 above.]

Textual Amendments

- F1** S. 12A inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), s. 1(1)(3); S.I. 1992/764, art.2
- F2** Words in s. 12A(4) substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 285(1), 336; S.I. 2004/81, art. 5(2)(b)

Modifications etc. (not altering text)

- C1** S. 12A restricted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), s. 1(3); S.I. 1992/764, art.2
- C2** S. 12A(4) restricted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), s. 1(2); S.I. 1992/764, art.2

Changes to legislation:

There are currently no known outstanding effects for the Theft Act 1968, Section 12A.