



# Theft Act (Northern Ireland) 1969

## 1969 CHAPTER 16

### OFFENCES RELATING TO GOODS STOLEN, ETC.

#### **21 Handling stolen goods.**

- (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.**

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.**

- (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.

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- (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 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 [<sup>F1</sup>, 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.
- [<sup>F2</sup>(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.]

**F1** 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](#)

**F2** 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](#)

[<sup>F3</sup>**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.

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(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—

- <sup>F4</sup>(2A) (a) theft;  
(b) blackmail;  
(c) fraud (contrary to section 1 of the Fraud Act 2006); or  
(d) stolen goods.]

(3) <sup>F5</sup>.....

(4) <sup>F5</sup>.....

(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 [<sup>F6</sup>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.

[<sup>F7</sup>(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.]]

**F3** 1997 NI 3

**F4** 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**

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- F5** 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**
- F6** 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**
- F7** 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**

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