



# Theft Act 1968

## 1968 CHAPTER 60

### *Enforcement and procedure*

#### **26 Search for stolen goods**

- (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.
- (2) An officer of police not below the rank of superintendent may give a constable written authority to search any premises for stolen goods—
  - (a) if the person in occupation of the premises has been convicted within the preceding five years of handling stolen goods or of any offence involving dishonesty and punishable with imprisonment; or
  - (b) if a person who has been convicted within the preceding five years of handling stolen goods has within the preceding twelve months been in occupation of the premises.
- (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.
- (4) The Police (Property) Act 1897 (which makes provision for the disposal of property in the possession of the police) shall apply to property which has come into the possession of the police under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (5) This section is to be construed in accordance with section 24 of this Act; and in subsection (2) above the references to handling stolen goods shall include any corresponding offence committed before the commencement of this Act.

**27 Evidence and procedure on charge of theft or handling stolen goods**

- (1) Any number of persons may be charged in one indictment, 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) On the trial of two or more persons indicted for jointly handling any stolen goods the jury may find any of the accused guilty if the jury are satisfied that he handled all or any of the stolen goods, whether or not he did so jointly with the other accused or any of them. ,
- (3) 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 the five years preceding the date of the offence charged been convicted of theft or of handling stolen goods.
- (4) 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.
- (5) This section is to be construed in accordance with section 24 of this Act; and in subsection (3)(b) above the reference to handling stolen goods shall include any corresponding offence committed before the commencement of this Act.

**28 Orders for restitution**

- (1) Where goods have been stolen, and a person is convicted of any offence with reference to the theft (whether or not the stealing is the gist of his offence), 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
  - (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
  - (c) on the application of a person who, if the first-mentioned goods were in the possession of the person convicted, would be entitled to recover them from him, the court may order that a sum not exceeding the value of those goods shall be paid to the applicant out of any money of the person convicted which was taken out of his possession on his apprehension.
- (2) Where under subsection (1) above 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 applicant for the orders does not thereby recover more than the value of those goods.
- (3) Where under subsection (1) above 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, then on the application of the purchaser or lender the court may order that there shall be paid to the applicant, 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 applicant or, as the case may be, the amount owed to the applicant 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.
- (5) Any order under this section shall be treated as an order for the restitution of property within the meaning of sections 30 and 42 of the Criminal Appeal Act 1968 (which relate to the effect on such orders of appeals).
- (6) References in this section to stealing are to be construed in accordance with section 24(1) and (4) of this Act.

## **29 Jurisdiction of quarter sessions, and summary trial**

- (1) In Schedule 1 to the Criminal Law Act 1967 there shall cease to have effect paragraph 13(a) and (b) of List B (which exclude from the jurisdiction of quarter sessions the theft etc. of court records and documents of title to land).
- (2) In Schedule 1 to the Magistrates' Courts Act 1952 (which lists the indictable offences by adults which may be tried summarily with the consent of the accused) for paragraph 11 there shall be substituted:—
- “11 Any indictable offence under the Theft Act 1968 except—

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*Status: This is the original version (as it was originally enacted).*

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- (a) robbery, aggravated burglary, blackmail and assault with intent to rob; and
- (b) burglary comprising the commission of, or an intention to commit, an offence which is not included in this Schedule ; and
- (c) burglary in a dwelling if entry to the dwelling or the part of it in which the burglary was committed, or to any building or part of a building containing the dwelling, was obtained by force or deception or by the use of any tool, key or appliance, or if any person in the dwelling was subjected to violence or the threat of violence; and
- (d) handling stolen goods from an offence not committed in the United Kingdom.”