

SCHEDULES

SCHEDULE 2

Section 33(1),(2).

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

PART I

Amendments of Post Office Act 1953

- 1 The Post Office Act 1953 shall have effect subject to the amendments provided for by this Part of this Schedule (and, except in so far as the contrary intention appears, those amendments have effect throughout the British postal area).
- 2 Sections 22 and 23 shall be amended by substituting for the word " felony " in section 22(1) and section 23(2) the words " a misdemeanour ", and by omitting the words " of this Act and " in section 23(1).
- 3 In section 52, as it applies outside England and Wales, for the words from " be guilty " onwards there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding ten years ".
- 4 In section 53 for the words from "be guilty" onwards there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding five years ".
- 5 In section 54, as it applies outside England and Wales.—
 - (a) there shall be omitted the words " taking, embezzling ", and the words " taken, embezzled ", where first occurring ;
 - (b) for the words " a felony " there shall be substituted the words " an offence " and the word " feloniously " shall be omitted ;
 - (c) for the words from " be guilty " to " secreted it " there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding fourteen years ".
- 6 In sections 55 and 58(1), after the word " imprisonment ", there shall in each case be inserted the words " for a term not exceeding two years ".
- 7 In section 57—
 - (a) there shall be omitted the words " steals, or for any purpose whatever embezzles, " and the words from " or if " onwards ;
 - (b) for the word " felony " there shall be substituted the words " a misdemeanour ".
- 8 After section 65 there shall be inserted as a new section 65A—

Status: This is the original version (as it was originally enacted).

“65A Fraudulent use of public telephone or telex system.

If any person dishonestly uses a public telephone or telex system with intent to avoid payment (including any such system provided, under licence, otherwise than by the Postmaster General), he shall be guilty of a misdemeanour and be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both, or on conviction on indictment to imprisonment for a term not exceeding two years.”

9 Section 69(2) shall be omitted.

10 For section 70 there shall be substituted the following section—

“70 Prosecution of certain offences in any jurisdiction of British postal area.

(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, in whichever of those jurisdictions he does so, he shall by virtue of this section be guilty in each of the jurisdictions in which this subsection has effect of committing or attempting to commit the offence against section 52 of this Act, or the offence referred to in paragraph (b) of this subsection, as the case may be, as if he had done so in that jurisdiction, and he shall accordingly be liable to be prosecuted, tried and punished in that jurisdiction without proof that the offence was committed there.

(2) In subsection (1) above the reference to different jurisdictions in the British postal area is to be construed as referring to the several jurisdictions of England and Wales, of Scotland, of Northern Ireland, of the Isle of Man, and of the Channel Islands ; and that subsection shall have effect in each of those jurisdictions except England and Wales.”

11 In section 72 there shall be added as a new subsection (3)—

“ (3) In any proceedings in England or Wales for an offence under section 53, 55, 56, 57 or 58 of this Act, section 27(4) of the Theft Act 1968 shall apply as it is expressed to apply to proceedings for the theft of anything in the course of transmission by post; and in the case of proceedings under section 53 of this Act a statutory declaration made by any person that a vessel, vehicle or aircraft was at any time employed by or under the Post Office for the transmission of postal packets under contract shall be admissible as evidence of the facts stated in the declaration subject to the same conditions as under section 27(4)(a) and (b) of the Theft Act 1968 apply to declarations admissible under section 27(4)”.

12 In section 87(1), the definition of " valuable security " shall be omitted but, except in relation to England and Wales, there shall be substituted:—

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“ valuable security ’ means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.”

PART II

Other amendments extending beyond England and Wales

<i>Act amended</i>	<i>Amendment</i>
The Extradition Act 1873 (36 & 37 Vict. c. 60)	In the Schedule (additional list of extradition crimes) for the words "the Larceny Act 1861" there shall be substituted the words " the Theft Act 1968
The Public Stores Act 1875 (38 & 39 Vict. c. 25)	For section 12 (incorporation of parts of Larceny Act 1861) there shall be substituted: — <p>“(1) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing or attempting to commit an offence against section 5 or 8 of this Act.</p> <p>(2) 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 stores in respect of which an offence against section 5 of this Act has been committed, the justice may issue a warrant to a constable to search for and seize the stores as in the case of stolen goods, and the Police (Property) Act 1897 shall apply as if this subsection were among the enactments mentioned in section 1(1) of that Act.”</p>
The Army Act 1955 (3 & 4 Eliz. 2. c. 18)	For section 44(1)(b) there shall be substituted— <p>“(b) handles any stolen goods, where the property stolen was public or service property, or”.</p> For section 45(b) there shall be substituted—

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<i>Act amended</i>	<i>Amendment</i>
<p style="color: #0070C0;">The Air Force Act 1955 (3 & 4 Eliz. 2. c. 19)</p> <p style="color: #0070C0;">The Naval Discipline Act 1957 (5 & 6 Eliz. 2. c. 53)</p> <p style="color: #0070C0;">The Army and Air Force Act 1961 (9 & 10 Eliz. 2. c. 52)</p> <p style="color: #0070C0;">The Road Traffic Act 1962 (10 & 11 Eliz. 2. c. 59)</p>	<p>“(b) handles any stolen goods, where the property stolen belonged to a person subject to military law, or”.</p> <p>In section 138(1) for the words from "receiving " to " stolen " there shall be substituted the words " handling it ".</p> <p>In section 225(1) after the definition of " Governor " there shall be inserted— “ handles ' has the same meaning as in the Theft Act 1968”; and for the definition of " steals " there shall be substituted— “ steals ' has the same meaning as in the Theft Act 1968, and references to ' stolen goods ' shall be construed as if contained in that Act”.</p> <p>The same amendments shall be made in sections 44, 45, 138 and 223 as are above directed to be made in the corresponding sections of the Army Act 1955, except that in the amendment to section 45(b) " air-force law" shall be substituted for " military law ".</p> <p>For section 29(b) there shall be substituted— “(b) handles any stolen goods, where the property stolen was public or service property, or”.</p> <p>In section 76(1) for the words from "receiving " to " embezzling " there shall be substituted the word " handling ".</p> <p>In section 135(1) the same amendments shall be made as are above directed to be made in section 225(1) of the Army Act 1955.</p> <p>Section 21 shall be omitted.</p> <p>In Part II of Schedule 1 (offences involving discretionary disqualification for a driving licence), in paragraph 24 there shall be substituted for the words in the first column the words " An offence, or attempt to commit an offence, in respect of a motor vehicle under section 12 of the Theft Act 1968 or, in Scotland, section 217(1) of the principal Act (taking, etc., without authority) ", and in the second column after the words "paragraph (a)" there shall be inserted the</p>

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<i>Act amended</i>	<i>Amendment</i>
	words " (that is, of the said section 217(1)) "; and for paragraph 26 there shall be substituted in the first column— “26 Stealing or attempting to steal a motor vehicle. 26A An offence under section 25 of the Theft Act 1968 committed with reference to the theft or taking of motor vehicles.”

PART III

Amendments limited to England and Wales

[The Gaming Act 1845](#)
(8 & 9 Vict. c. 109)

In section 17 (punishment for cheating at play etc.) for the words " be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence " and the following words there shall be substituted the words—

- “(a) on conviction on indictment be liable to imprisonment for a term not exceeding two years; or
- (b) on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both”

[The Pawnbrokers Act 1872](#)
(35 & 36 Vict. c. 93)

In section 38 (cesser of pawnbroker's licence on conviction of certain offences) for the words " receiving stolen goods knowing them to be stolen " there shall be substituted the words " handling stolen goods ".

[The Bankruptcy Act 1914](#)
(4 & 5 Geo. 5. c. 59)

In section 166 (admissions on compulsory examination etc. not to be admissible as evidence in proceedings for certain offences) for the words following " against that person " there shall be substituted the words " or (unless they married after the making of the statement or admission) against the wife or husband of that person in any proceeding in respect of an offence under the Theft Act 1968 ".

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<p>The House to House Collections Act 1939 (2 & 3 Geo. 6. c. 44)</p>	<p>In the Schedule (offences for which a conviction is a ground for refusing or revoking a licence under the Act to promote a collection for charity) for the entry relating to the Larceny Act 1916 there shall be substituted:— “Robbery, burglary and blackmail”.</p>
<p>The Magistrates' Courts Act 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 55)</p>	<p>In Schedule 1 for paragraph 8 there shall be substituted— “8 Offences under sections 53 and 55 to 58 of the Post Office Act 1953”.</p>
<p>The Visiting Forces Act 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 67)</p>	<p>In the Schedule there shall be inserted in paragraph 1(a) after the word " buggery " the word " robbery ", and in paragraph 3 there shall be added at the end— “(g) the Theft Act 1968, except section 8 (robbery)”.</p>
<p>The Finance Act 1965 (1965 c. 25)</p>	<p>In Schedule 10, in the Table in paragraph 1, for the words " Sections 500 to 505 " there shall be substituted the words " Sections 500 to 504 ".</p>
<p>The Finance Act 1966 (1966 c. 18)</p>	<p>In Schedule 6, in paragraph 13, for the words " Sections 500 to 505 " there shall be substituted the words " Sections 500 to 504 ", and the words from " together with " to " the said section 505 " shall be omitted.</p>
<p>The Criminal Law Act 1967 (1967 c. 58)</p>	<p>In Schedule 1, for paragraph 2 in List A Division I (whereby certain offences replaced by this Act are, with others not so replaced, made triable by all courts of quarter sessions) there shall be substituted— “2 Offences against sections 53 and 55 to 58 of the Post Office Act 1953”.</p>
<p>The Firearms Act 1968 (1968 c. 27)</p>	<p>Schedule 1 (offences in connection with which possession of a firearm is an offence under section 17(2)) shall be amended, except in relation to a person's apprehension for an offence committed" before the commencement of this Act, by substituting for paragraph 4— “4 Theft, burglary, blackmail and any offence under section 12(1) (taking of motor vehicle or other conveyance without owner's consent) of the Theft Act 1968 ”:</p>

by omitting paragraph 7: and by substituting
in paragraph 8 for the words " paragraphs 1
to 7 " the words " paragraphs 1 to 6 ".