



Larceny Act 1916

1916 CHAPTER 50

40 Procedure

- (1) On the trial of an indictment for obtaining or attempting to obtain any chattel, money, or valuable security by any false pretence, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with intent to defraud.
- (2) An allegation in an indictment that money or banknotes have been embezzled or obtained by false pretences can, so far as regards the description of the property, be sustained by proof that the offender embezzled or obtained any piece of coin or any banknote or any portion of the value thereof, although such piece of coin or banknote may have been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly.
- (3) In an indictment for feloniously receiving any property under this Act any number of persons who have at different times so received such property or any part thereof may be charged and tried together.
- (4) If any person, who is a member of any co-partnership or is one of two or more beneficial owners of any property, steals or embezzles any such property of or belonging to such co-partnership or to such beneficial owners he shall be liable to be dealt with, tried, and punished as if he had not been or was not a member of such co-partnership or one of such beneficial owners.
- (5) In Ireland the following provisions shall have effect with respect to indictments :—
 - (a) In an indictment for an offence against this Act with reference to any instrument, it shall be sufficient to describe such instrument by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile thereof or otherwise describing it or its value :
 - (b) In an indictment for any offence of stealing under this Act, distinct acts of stealing, not exceeding three, which have been committed by the person accused against the same person within the space of six months, may be charged in separate counts of the same indictment and tried together :
 - (c) If on the trial of an indictment for stealing any property it appears that the property alleged in such indictment to have been stolen at one time was taken

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at different times, such separate takings may be tried together to a number not exceeding three, provided that not more than the space of six months elapsed between the first and the last of such takings:

- (d) In an indictment for any offence of embezzlement or of fraudulent application or disposition against this Act, distinct acts of embezzlement or of fraudulent application or disposition not exceeding three, which have been committed by him against the same person within the space of six months, may be charged in separate counts of the same indictment and tried together; and where such offence relates to any money or valuable security it shall not be necessary to specify any particular coin or valuable security; and such allegation shall be sustained whether the offender is proved to have embezzled or to have fraudulently applied or disposed of any amount, although the particular coin or valuable security of which such amount was composed is not proved, or whether he is proved to have embezzled or to have fraudulently applied or disposed of any valuable security which has been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly :
- (e) In every case of stealing any chattel or fixture under section sixteen of this Act (relating to tenants and lodgers) it shall be lawful to prefer an indictment in the same form as if the offender were not a tenant or lodger:
- (f) In an indictment for stealing any document of title to lands, it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person or of someone of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof:
- (g) In an indictment for an offence under this Act with respect to any will, codicil, or other testamentary document, record, or other legal document whatsoever, or anything made of metal fixed in any square or street, or in any place dedicated to public use or ornament, or in any burial-ground, it shall not be necessary to allege the same to be the property of any person:
- (h) In an indictment under section sixteen of this Act it shall be lawful to lay the property alleged to be stolen in the owner or person letting to hire :
- (i) In an indictment for obtaining or attempting to obtain any chattel, money, or valuable security by any false pretence, it shall be sufficient to allege that the person accused did the act with intent to defraud, without alleging an intent to defraud any particular person and without alleging any ownership of the chattel, money, or valuable security :
- (j) Charges of stealing any property and of feloniously receiving the same property or any part thereof may be included in separate counts of the same indictment and such counts may be tried together :
- (k) Any person or persons charged in separate counts of the same indictment with stealing any property and with feloniously receiving the same property or any part thereof may severally be found guilty either of stealing or of receiving the said property or any part thereof.