



# Theft Act 1968

## 1968 CHAPTER 60

*Theft, robbery, burglary, etc.*

### 7 Theft.

A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding [<sup>F1</sup> seven years].

#### Textual Amendments

**F1** Words in s. 7 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. **26(1)**; S.I. 1992/333, art. 2(2), [Sch.2](#)

### 8 Robbery.

- (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.
- (2) A person guilty of robbery, or of an assault with intent to rob, shall on conviction on indictment be liable to imprisonment for life.

### 9 Burglary.

- (1) A person is guilty of burglary if—
  - (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or
  - (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.
- (2) The offences referred to in subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any

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grievous bodily harm or [<sup>F2</sup>raping any person] therein, and of doing unlawful damage to the building or anything therein.

- [<sup>F3</sup>(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—
- (a) where the offence was committed in respect of a building or part of a building which is a dwelling, fourteen years;
  - (b) in any other case, ten years.
- (4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.]

#### Textual Amendments

- F2** Words in s. 9(2) substituted (3.11.1994) by 1994 c. 33, s. 168(2), **Sch. 10 para. 26**
- F3** S. 9(3)(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 26(2); S.I. 1992/333, art. 2(2), **Sch. 2**

## 10 Aggravated burglary.

- (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence, or any explosive; and for this purpose—
- (a) “firearm” includes an airgun or air pistol, and “imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not; and
  - (b) “weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and
  - (c) “explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.
- (2) A person guilty of aggravated burglary shall on conviction on indictment be liable to imprisonment for life.

## 11 Removal of articles from places open to the public.

- (1) Subject to subsections (2) and (3) below, where the public have access to a building in order to view the building or part of it, or a collection or part of a collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or part of any article displayed or kept for display to the public in the building or that part of it or in its grounds shall be guilty of an offence.

For this purpose “collection” includes a collection got together for a temporary purpose, but references in this section to a collection do not apply to a collection made or exhibited for the purpose of effecting sales or other commercial dealings.

- (2) It is immaterial for purposes of subsection (1) above, that the public’s access to a building is limited to a particular period or particular occasion; but where anything

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removed from a building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1) above.

- (3) A person does not commit an offence under this section if he believes that he has lawful authority for the removal of the thing in question or that he would have it if the person entitled to give it knew of the removal and the circumstances of it.
- (4) A person guilty of an offence under this section shall, on conviction on indictment, be liable to imprisonment for a term not exceeding five years.

## 12 Taking motor vehicle or other conveyance without authority.

(1) Subject to subsections (5) and (6) below, a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.

(2) A person guilty of an offence under subsection (1) above shall [<sup>F4</sup>be liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding six months, or to both.]

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

(4) If on the trial of an indictment for theft the jury are not satisfied that the accused committed theft, but it is proved that the accused committed an offence under subsection (1) above, the jury may find him guilty of the offence under subsection (1) [<sup>F6</sup>and if he is found guilty of it, he shall be liable as he would have been liable under subsection (2) above on summary conviction.]

[<sup>F7</sup>(4A) Proceedings for an offence under subsection (1) above (but not proceedings of a kind falling within subsection (4) above) in relation to a mechanically propelled vehicle—

- (a) shall not be commenced after the end of the period of three years beginning with the day on which the offence was committed; but
- (b) subject to that, may be commenced at any time within the period of six months beginning with the relevant day.

(4B) In subsection (4A)(b) above “the relevant day” means—

- (a) in the case of a prosecution for an offence under subsection (1) above by a public prosecutor, the day on which sufficient evidence to justify the proceedings came to the knowledge of any person responsible for deciding whether to commence any such prosecution;
- (b) in the case of a prosecution for an offence under subsection (1) above which is commenced by a person other than a public prosecutor after the discontinuance of a prosecution falling within paragraph (a) above which relates to the same facts, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution or (if later) the discontinuance of the other prosecution;
- (c) in the case of any other prosecution for an offence under subsection (1) above, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution.

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- (4C) For the purposes of subsection (4A)(b) above a certificate of a person responsible for deciding whether to commence a prosecution of a kind mentioned in subsection (4B) (a) above as to the date on which such evidence as is mentioned in the certificate came to the knowledge of any person responsible for deciding whether to commence any such prosecution shall be conclusive evidence of that fact.]
- (5) Subsection (1) above shall not apply in relation to pedal cycles; but, subject to subsection (6) below, a person who, without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority, shall on summary conviction be liable to a fine not exceeding [<sup>F8</sup>level 3 on the standard scale.]
- (6) A person does not commit an offence under this section by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it.
- (7) For purposes of this section—
- (a) "conveyance" means any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and "drive" shall be construed accordingly; and
  - (b) "owner", in relation to a conveyance which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the conveyance under that agreement.

#### Textual Amendments

- F4** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 37(1)(a), **Sch. 8 para. 16**
- F5** [S. 12\(3\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 7 Pt. 1**
- F6** Words added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 37(1)(6), **Sch. 8 para. 16**
- F7** [S. 12\(4A\)-\(4C\)](#) inserted (1.10.2001) by 2001 c. 3, s. **37(1)**; S.I. 2001/3215, **art. 2**
- F8** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

#### [12A] <sup>F9</sup>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.

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- (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, five years.
- (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

**F9** [S. 12A](#) inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), [s. 1\(1\)\(3\)](#); S.I. 1992/764, [art.2](#)

#### 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](#)

### 13 Abstracting of electricity.

A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity shall on conviction on indictment be liable to imprisonment for a term not exceeding five years.

### 14 Extension to thefts from mails outside England and Wales, and robbery etc. on such a theft.

- (1) Where a person—

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- (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, notwithstanding that he does so outside England and Wales, he shall be guilty of committing or attempting to commit the offence against this Act as if he had done so in England or Wales, and he shall accordingly be liable to be prosecuted, tried and punished in England and Wales 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.
- (3) For purposes of this section “mail bag” includes any article serving the purpose of a mail bag.

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