

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Theft Act 1968, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### <sup>X1</sup>SCHEDULE 2

Section 33(1),(2).

#### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

##### **Editorial Information**

- X1** The text of Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **PART I**

##### <sup>M1</sup> AMENDMENTS OF POST OFFICE ACT 1953

##### **Marginal Citations**

- M1** 1953 c. 36.

- 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;

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- (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”.

F1 .....

8

**Textual Amendments**  
**F1** Sch. 2 para. 8 repealed by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), **Sch. 6 Pt. II**

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

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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:—

““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

Act Amended	Amendment
F2	F2
...	...
The Public Stores Act 1875 (38 & 39 Vict. c. 25)	For section 12 (incorporation of parts of Larceny Act 1861) there shall be substituted: — (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.  (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

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The Army Act 1955 (3 & 4 Eliz. 2. c. 18)	<p>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</p> <p>M2</p> <p>Police (Property) Act 1897 shall apply as if this subsection were among the enactments mentioned in section 1(1) of that Act.</p> <p>For section 44(1)(b) there shall be substituted—</p> <p>(b) handles any stolen goods, where property stolen was public or service property, or.</p> <p>For section 45(b) there shall be substituted—</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—</p> <p>“handles” has the same meaning as in the Theft Act 1968;</p> <p>and for the definition of steals there shall be substituted—</p> <p>“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>
The Air Force Act 1955 (3 & 4 Eliz. 2. c. 19)	<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>
The Naval Discipline Act 1957 (5 & 6 Eliz. 2. c. 53)	<p>For section 29(b) there shall be substituted—</p> <p>(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>

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The Army and Air Force Act 1961 (9 & 10 Eliz. 2. c. 52)      Section 21 shall be omitted.

#### Textual Amendments

**F2** Entry relating to the Extradition Act 1873 repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37, [Sch. 2](#)

#### Marginal Citations

**M2** 1897 c. 30.

### PART III

#### AMENDMENTS LIMITED TO ENGLAND AND WALES

Act Amended	Amendment
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.
<b>F3</b> ...	<b>F3</b> ...
The House to House Collections Act 1939 (2 & 3 Geo. 6. c. 44)	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”.
The Magistrates’ Court Act 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 55)	In Schedule 1 for paragraph 8 there shall be substituted— “8. Offences under sections 53 and 55 to 58 of the
	<b>M3</b> Post Office Act 1953”.
The Visiting Forces Act 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 67)	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)”.
The Finance Act 1965 (1965 c. 25)	In Schedule 10, in the Table in paragraph 1, for the words “Sections 500 to 505” there

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The Finance Act 1966 (1966 c. 18)	shall be substituted the words “Sections 500 to 504”.
The Firearms Act 1968 (1968 c. 27)	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.
	Schedule I (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”: by omitting paragraph 7: and by substituting in paragraph 8 for the words “paragraphs I to 7” the words “paragraphs I to 6”.

**Textual Amendments**

**F3** Entry relating to the Bankruptcy Act 1914 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 9 para. 11, [Sch. 10](#)

**Marginal Citations**

**M3** [1953 c. 36](#).

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