



# Theft Act 1978

## 1978 CHAPTER 31

An Act to replace section 16(2)(a) of the Theft Act 1968 with other provision against fraudulent conduct; and for connected purposes. [20th July 1978]

### 1 Obtaining services by deception.

- (1) A person who by any deception dishonestly obtains services from another shall be guilty of an offence.
- (2) It is an obtaining of services where the other is induced to confer a benefit by doing some act, or causing or permitting some act to be done, on the understanding that the benefit has been or will be paid for.
- [<sup>F1</sup>(3) Without prejudice to the generality of subsection (2) above, it is an obtaining of services where the other is induced to make a loan, or to cause or permit a loan to be made, on the understanding that any payment (whether by way of interest or otherwise) will be or has been made in respect of the loan.]

#### Textual Amendments

**F1** S. 1(3) inserted (18.12.1996) by 1996 c. 62, s. 4(1)(2)

### 2 Evasion of liability by deception.

- (1) Subject to subsection (2) below, where a person by any deception—
  - (a) dishonestly secures the remission of the whole or part of any existing liability to make a payment, whether his own liability or another's; or
  - (b) with intent to make permanent default in whole or in part on any existing liability to make a payment, or with intent to let another do so, dishonestly induces the creditor or any person claiming payment on behalf of the creditor to wait for payment (whether or not the due date for payment is deferred) or to forgo payment; or
  - (c) dishonestly obtains any exemption from or abatement of liability to make a payment.

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*Changes to legislation: There are currently no known outstanding effects for the Theft Act 1978. (See end of Document for details)*

he shall be guilty of an offence.

- (2) For purposes of this section “liability” means legally enforceable liability; and subsection (1) shall not apply in relation to a liability that has not been accepted or established to pay compensation for a wrongful act or omission.
- (3) For purposes of subsection (1)(b) a person induced to take in payment a cheque or other security for money by way of conditional satisfaction of a pre-existing liability is to be treated not as being paid but as being induced to wait for payment.
- (4) For purposes of subsection (1)(c) “obtains” includes obtaining for another or enabling another to obtain.

### 3 Making off without payment.

- (1) Subject to subsection (3) below, a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence.
- (2) For purposes of this section “payment on the spot” includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.
- (3) Subsection (1) above shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

<sup>F2</sup>(4) .....

#### Textual Amendments

**F2** S. 3(4) omitted (1.1.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 7 para. 20, **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

### 4 Punishments.

- (1) Offences under this Act shall be punishable either on conviction on indictment or on summary conviction.
- (2) A person convicted on indictment shall be liable—
  - (a) for an offence under section 1 or section 2 of this Act, to imprisonment for a term not exceeding five years; and
  - (b) for an offence under section 3 of this Act, to imprisonment for a term not exceeding two years.
- (3) A person convicted summarily of any offence under this Act shall be liable—
  - (a) to imprisonment for a term not exceeding six months; or
  - (b) to a fine not exceeding the prescribed sum for the purposes of [<sup>F3</sup>section 32 of the Magistrates’ Courts Act 1980] (punishment on summary conviction of offences triable either way: £1,000 or other sum substituted by order under that Act),

or to both.

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**Textual Amendments**

**F3** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 170](#)

**5 Supplementary.**

- (1) For purposes of sections 1 and 2 above “deception” has the same meaning as in section 15 of the <sup>M1</sup>Theft Act 1968, that is to say, it means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person; and section 18 of that Act (liability of company officers for offences by the company) shall apply in relation to sections 1 and 2 above as it applies in relation to section 15 of that Act.
- (2) Sections 30(1) (husband and wife), 31(1) (effect on civil proceedings) and 34 (interpretation) of the <sup>M2</sup>Theft Act 1968, so far as they are applicable in relation to this Act, shall apply as they apply in relation to that Act.
- (3) ..... <sup>F4</sup>
- (4) In the <sup>M3</sup> Visiting Forces Act 1952, in paragraph 3 of the Schedule (which defines for England and Wales “offence against property” for purposes of the exclusion in certain cases of the jurisdiction of United Kingdom courts) there shall be added at the end—  
“*(j) the Theft Act 1978*”.
- (5) In the Theft Act 1968 section 16(2)(a) is hereby repealed.

**Textual Amendments**

**F4** [S. 5\(3\)](#) repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), [s. 37](#), [Sch. 2](#)

**Modifications etc. (not altering text)**

**C1** The text of s. 5(4)(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** 1968 c. 60.

**M2** 1968 c. 60.

**M3** 1952 c. 67.

**6 Enactment of same provisions for Northern Ireland.**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M4</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it operates only so as to make for Northern Ireland provision corresponding to this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment by resolution of either House.

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**Marginal Citations**

M4 1974 c. 28.

**7 Short title, commencement and extent.**

- (1) This Act may be cited as the Theft Act 1978.
- (2) This Act shall come into force at the expiration of three months beginning with the date on which it is passed.
- (3) This Act except section 5(3), shall not extend to Scotland; and except for that subsection, and subject also to section 6, it shall not extend to Northern Ireland.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Theft Act 1978.