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Changes to legislation: There are currently no known outstanding effects
for the Theft (Amendment) Act 1996. (See end of Document for details)

Theft (Amendment) Act 1996

1996 CHAPTER 62

An Act to amend the Theft Act 1968 and the Theft Act 1978; and for connected purposes. [18th December 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information
I1 Act wholly in force at Royal Assent

F1 1 Obtaining a money transfer by deception.

. . . .

Textual Amendments
F1 S. 1 repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 15(1), **Sch. 3**; S.I. 2006/3200, art. 2

2 Dishonestly retaining a wrongful credit.

(1) After section 24 of the Theft Act 1968 insert—

"24A Dishonestly retaining a wrongful credit.

(1) A person is guilty of an offence if—
  (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest;
  (b) he knows or believes that the credit is wrongful; and

2   *Theft (Amendment) Act 1996 (c. 62)*
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(c)   he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled.

(2) References to a credit are to a credit of an amount of money.

(3) A credit to an account is wrongful if it is the credit side of a money transfer obtained contrary to section 15A of this Act.

(4) A credit to an account is also wrongful to the extent that it derives from—

(a)   theft;

(b)   an offence under section 15A of this Act;

(c)   blackmail; or

(d)   stolen goods.

(5) In determining whether a credit to an account is wrongful, it is immaterial (in particular) whether the account is overdrawn before or after the credit is made.

(6) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

(7) Subsection (8) below applies for purposes of provisions of this Act relating to stolen goods (including subsection (4) above).

(8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.

(9) In this section "account" and "money" shall be construed in accordance with section 15B of this Act."

(2) This section applies to wrongful credits made on or after the day on which this Act is passed.

3   The new offences: jurisdiction.

(1) In section 1(2) of the [M1]Criminal Justice Act 1993 (Group A offences for the purposes of the jurisdictional provisions) paragraph (a) (list of offences under the Theft Act 1968) shall be amended as follows.

[F2](2) . . . .

(3) After the entry relating to section 22 insert—

"section 24A (retaining credits from dishonest sources, etc.);".

Textual Amendments
F2   S. 3(2) repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 15(1), **Sch. 3**; S.I. 2006/3200, art. 2

Marginal Citations
M1   1993 c. 36.

[F3]**4   Application to loans of offence of obtaining services by deception.**

. . . .

Textual Amendments

F3 S. 4 repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 15(1), **Sch. 3**; S.I. 2006/3200, art. 2

5 Short title and extent.

(1) This Act may be cited as the Theft (Amendment) Act 1996.

(2) Subject to subsection (3), this Act extends to England and Wales only.

(3) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the [M2]Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of 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.

Marginal Citations

M2 1974 c. 28.

Status:
Point in time view as at 15/01/2007.

Changes to legislation:
There are currently no known outstanding effects for the Theft (Amendment) Act 1996.