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**Changes to legislation:** There are currently no known outstanding effects for the Fraud Act 2006, Cross Heading: Theft Act 1968 (c. 60). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Theft Act 1968 (c. 60)*

- 3 Omit section 15B (section 15A: supplementary).
- 4 In section 18(1) (liability of company officers for offences by company under section 15, 16 or 17), omit “ 15, 16 or ”.
- 5 In section 20(3) (suppression etc. of documents—interpretation), omit “deception” has the same meaning as in section 15 of this Act, and ”.
- 6 (1) In section 24(4) (meaning of “stolen goods”) for “in the circumstances described in section 15(1) of this Act” substitute “ , subject to subsection (5) below, by fraud (within the meaning of the Fraud Act 2006) ”.
- (2) After section 24(4) insert—
- “(5) Subsection (1) above applies in relation to goods obtained by fraud as if—
- (a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and
- (b) the reference to an offence under this Act were a reference to an offence under section 1 of that Act.”
- 7 (1) In section 24A (dishonestly retaining a wrongful credit), omit subsections (3) and (4) and after subsection (2) insert—
- “(2A) A credit to an account is wrongful to the extent that it derives from—
- (a) theft;
- (b) blackmail;
- (c) fraud (contrary to section 1 of the Fraud Act 2006); or
- (d) stolen goods.”
- (2) In subsection (7), for “subsection (4)” substitute “ subsection (2A) ”.
- (3) For subsection (9) substitute—
- “(9) “Account” means an account kept with—
- (a) a bank;
- (b) a person carrying on a business which falls within subsection (10) below; or
- (c) an issuer of electronic money (as defined for the purposes of Part 2 of the Financial Services and Markets Act 2000).
- (10) A business falls within this subsection if—

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- (a) in the course of the business money received by way of deposit is lent to others; or
- (b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit.

(11) References in subsection (10) above to a deposit must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act;

but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded.

(12) For the purposes of subsection (10) above—

- (a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and
- (b) “money” includes money expressed in a currency other than sterling.”

8

In section 25 (going equipped for burglary, theft or cheat)—

- (a) in subsections (1) and (3) for “burglary, theft or cheat” substitute “ burglary or theft ”, and
- (b) in subsection (5) omit “ , and “cheat” means an offence under section 15 of this Act ”.

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