

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

- 12 (1) In section 23A (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); 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—
- (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) 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)—
- (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.”