



# Theft Act (Northern Ireland) 1969

## 1969 CHAPTER 16

### ENFORCEMENT AND PROCEDURE

#### **26 Evidence and procedure on charge of theft or handling stolen goods.**

- (1) Any number of persons may be charged in one indictment or in one complaint, with reference to the same theft, with having at different times or at the same time handled all or any of the stolen goods, and the persons so charged may be tried together.
- (2) If, on the trial of an indictment or the hearing of a complaint for the theft of any property, the property is alleged by the indictment or complaint to have been stolen at one time but it appears that the property was appropriated at different times, such separate appropriations may be tried or heard together, to a number not exceeding three, if a period of not more than six months elapsed between the first and the last of such appropriations.
- (3) Where, on the joint trial of two or more persons for handling stolen goods, a court of summary jurisdiction or, on a trial on indictment, the jury is satisfied that any of the accused handled all or any of the stolen goods (whether or not he did so jointly with the other accused or any of them), the court or, as the case may be, the jury may find him guilty.
- (4) Where a person is being proceeded against for handling stolen goods (but not for any offence other than handling stolen goods), then, at any stage of the proceedings, if evidence has been given of his having or arranging to have in his possession the goods the subject of the charge, or of his undertaking or assisting in, or arranging to undertake or assist in, their retention, removal, disposal or realisation, the following evidence shall be admissible for the purpose of proving that he knew or believed the goods to be stolen goods—
  - (a) evidence that he has had in his possession, or has undertaken or assisted in the retention, removal, disposal or realisation of, stolen goods from any theft taking place not earlier than twelve months before the offence charged; and
  - (b) (provided that seven days' notice in writing has been given to him of the intention to prove the conviction) evidence that he has within five years preceding the date of the offence charged been convicted of theft or of handling stolen goods.

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*Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969, Section 26. (See end of Document for details)*

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- (5) In any proceedings for the theft of anything in the course of transmission (whether by post or otherwise), or for handling stolen goods from such a theft, a statutory declaration made by any person that he despatched or received or failed to receive any goods or postal packet, or that any goods or postal packet when despatched or received by him were in a particular state or condition, shall be admissible as evidence of the facts stated in the declaration, subject to the following conditions—
- (a) a statutory declaration shall only be admissible where and to the extent to which oral evidence to the like effect would have been admissible in the proceedings; and
  - (b) a statutory declaration shall only be admissible if, at least seven days before the hearing or trial, a copy of it has been given to the person charged, and he has not, at least three days before the hearing or trial or within such further time as the court may in special circumstances allow, given the prosecutor written notice requiring the attendance at the hearing or trial of the person making the declaration.
- (6) This section is to be construed in accordance with section 23; and, in subsection (4)(b) of this section, the reference to handling stolen goods shall include any corresponding offence committed before the commencement of this Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969, Section 26.