

STATUTORY INSTRUMENTS

1997 No. 277 (N.I. 3)

The Theft (Amendment) (Northern Ireland) Order 1997

12th February 1997

Title and commencement **N.I.**

- 1.—(1) This Order may be cited as the Theft (Amendment) (Northern Ireland) Order 1997.
(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

Interpretation **N.I.**

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Obtaining a money transfer by deception **N.I.**

3. ^{F1}

F1 [Art. 3](#) repealed (15.1.2007) by [Fraud Act 2006](#) (c. 35), ss. 14(3), 15(1), [Sch. 3](#); S.I. 2006/3200, [art. 2](#)

Dishonestly retaining a wrongful credit **N.I.**

- 4.—(1) After section 23 of the Theft Act (Northern Ireland) 1969 there shall be inserted the following section—

“Dishonestly retaining a wrongful credit.

- 23A.**—(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
(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.
(4) A credit to an account is also wrongful to the extent that it derives from—

- (a) theft;
- (b) an offence under section 15A;
- (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) applies for purposes of provisions of this Act relating to stolen goods (including subsection (4)).

(8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.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

(2) This Article applies to wrongful credits made on or after the day on which this Order comes into operation.

The new offences: jurisdiction **N.I.**

5.—(1) In Article 38(2) of the Criminal Justice (Northern Ireland) Order 1996 (Group A offences for the purposes of the jurisdictional provisions) sub-paragraph (a) (list of offences under the Theft Act (Northern Ireland) 1969) shall be amended as follows.

(2) ^{F2}

(3) After the entry relating to section 21 there shall be added—
“section 23A (dishonestly retaining a wrongful credit);” .

F2 Art. 5(2) repealed (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(3), 15(1), Sch. 3; S.I. 2006/3200, art. 2

Application to loans of offence of obtaining services by deception **N.I.**

6. ^{F3}

F3 Art. 6 repealed (15.1.2007) by Fraud Act 2006 (c. 35), ss. 14(3), 15(1), Sch. 3; S.I. 2006/3200, art. 2

Changes to legislation:

There are currently no known outstanding effects for the The Theft (Amendment) (Northern Ireland) Order 1997.